

# Michigan Register

Issue No. 18— 2003 (Published October 15, 2003)



## GRAPHIC IMAGES IN THE MICHIGAN REGISTER

### COVER DRAWING

#### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

### PAGE GRAPHICS

#### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

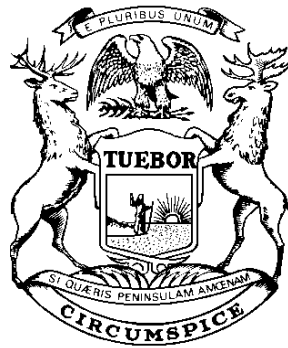
#### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 18 — 2003

(This issue, published October 15, 2003, contains  
documents filed from September 15, 2003 to October 1, 2003)

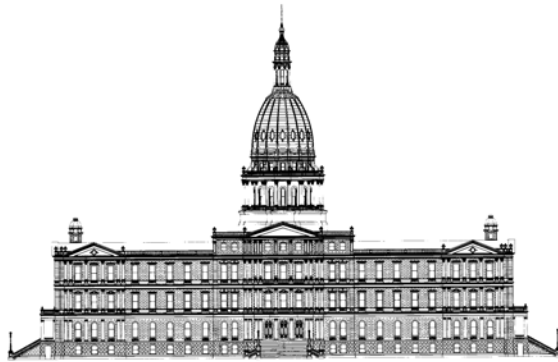
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**Jennifer M. Granholm, Governor**



**John D. Cherry Jr., Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
  - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
  - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
  - (d) Proposed administrative rules.
  - (e) Notices of public hearings on proposed administrative rules.
  - (f) Administrative rules filed with the secretary of state.
  - (g) Emergency rules filed with the secretary of state.
  - (h) Notice of proposed and adopted agency guidelines.
  - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
  - (j) Attorney general opinions.
  - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
  - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
  - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
  - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

#### **CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

#### **CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Department of Management and Budget, 1<sup>st</sup> Floor Ottawa Building, 611 West Ottawa, Lansing, MI 48909.

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: [www.michigan.gov/orr](http://www.michigan.gov/orr)

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director  
Office of Regulatory Reform



## 2003 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
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4	March 1, 2003	March 15, 2003
5	March 15, 2003	April 1, 2003
6	April 1, 2003	April 15, 2003
7	April 15, 2003	May 1, 2003
8	May 1, 2003	May 15, 2003
9	May 15, 2003	June 1, 2003
10	June 1, 2003	June 15, 2003
11	June 15, 2003	July 1, 2003
12	July 1, 2003	July 15, 2003
13	July 15, 2003	August 1, 2003
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15	August 15, 2003	September 1, 2003
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19	October 15, 2003	November 1, 2003
20	November 1, 2003	November 15, 2003
21	November 15, 2003	December 1, 2003
22	December 1, 2003	December 15, 2003
23	December 15, 2003	January 1, 2004
24	January 1, 2004	January 15, 2004

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**ADMINISTRATIVE RULES**  
**FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(f) Administrative rules filed with the secretary of state.”*

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**ADMINISTRATIVE RULES**

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**ORR # 2002-005**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**DIRECTOR'S OFFICE**

**SOCIAL WORK - GENERAL RULES**

Filed with the Secretary of State on September 30, 2003.  
The rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by section 18501 of 1978 PA 368, MCL 333.1101 et seq. and Executive Order Nos. 1996-1 and 1996-2, MCL 330.3101 and 445.2001)

R 338.2901, R 338.2906, R 338.2906a, R 338.2908, R 338.2909, and R 338.2910 of the Michigan Administrative Code are amended, and R 338.2908a, R 338.2908b, R 338.2908c, and R 338.2908d are added to the Code, and R 338.2905 is rescinded as follows:

**R 338.2901 Definitions.**

Rule 1. (1) As used in these rules:

(a) "Act" means 1978 PA 368, MCL 333.1101 et seq. and known as the public health code.

(b) "Board" means the board of social work.

(2) As used in section 18507 of the act, "an associate degree in social work at a college approved by the board that includes supervised instructional field experience" means an associate degree from a program that requires completion of not less than 18 semester hours or not less than 27 quarter hours of social work courses and the completion of a social work field placement or internship of not less than 350 hours under the supervision of a certified social worker. This subrule takes effect 1 year after the effective date of these amendatory rules.

(3) As used in section 18507 of the act, "2 years of college" means the completion of 60 semester or 90 quarter hours of college-level courses, including not less than 18 semester hours or not less than 27 quarter hours of social work courses and the completion of a social work field placement or internship of not less than 350 hours under the supervision of a certified social worker. This subrule takes effect 1 year after the effective date of these amendatory rules.

**R 338.2905 Rescinded.**

**R 338.2906 Educational standards; adoption by reference.**

Rule 6. (1) The board adopts by reference in these rules the standards of the council on social work education for the accreditation of social work education programs as set forth in the publication entitled "Handbook of Accreditation Standards and Procedures," fourth edition, which is available for inspection and distribution at cost from the Board of Social Work, Bureau of Health Services, Michigan Department of Consumer and Industry Services, 611 West Ottawa, Lansing, MI 48909, or from the Council on Social Work Education, 1725 Duke Street, Suite 500, Alexandria, VA 22314-3457 at a cost

as of the time of adoption of these rules of \$35.00. A copy of this publication may be purchased from the council on social work education by calling 1-703-683-8080 or via the council's internet website at <http://www.cswe.org>. Completion of an accredited social work education program at the level required by the act shall be evidence of completion of a program acceptable to the department and approved by the board. Any other program that is submitted by an applicant shall be evaluated by the board to determine the program's equivalence to the standards of an accredited program.

(2) The board adopts by reference the recognition standards and criteria of the council for higher education accreditation (chea), effective January 1999, and the procedures and criteria for recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000. Copies of the standards and criteria of the council for higher education accreditation and the U.S. department of education are available for inspection and distribution at cost from the Board of Social Work, Bureau of Health Services, Department of Consumer and Industry Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained from the U.S. Department of Education, Office of Postsecondary Education, 1990 K Street NW, Washington, DC 20006 or from the department's website at <http://www.ed.gov/offices/OPE> at no cost.

(3) The board adopts by reference the standards of the following postsecondary accrediting organizations, which may be obtained from the individual accrediting organization at the identified cost:

(a) The standards of the Middle States Association of Colleges and Schools, Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled "Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation," 2002 edition, which is available free of charge on the association's website at <http://www.msache.org> or for purchase at a cost of \$6.00 as of the time of adoption of these rules.

(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, set forth in the document entitled "Standards for Accreditation," 2001 edition, which is available free of charge on the association's website at <http://www.neasc.org> or for purchase at a cost of \$5.00 as of the time of adoption of these rules.

(c) The standards of the North Central Association of Colleges and Schools, the Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, set forth in the document entitled "Handbook of Accreditation," second edition, which is available for purchase through the association's website at <http://www.ncahigherlearningcommission.org> at a cost of \$18.00 as of the time of adoption of these rules.

(d) The standards of the Northwest Association of Schools, Colleges, and Universities, the Commission on Colleges and Universities, 8060 165<sup>th</sup> Avenue NE, Suite 100, Redmond, WA 98052, set forth in the document entitled "Accreditation Handbook," 1999 edition, which is available for purchase through the association's website at <http://www.nwccu.org> at a cost of \$12.00 as of the time of adoption of these rules.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, set forth in the document entitled "Criteria for Accreditation" 1998 edition, which is available free of charge on the association's website at <http://www.sacscoc.org> or for purchase at a cost of \$12.00 as of the time of adoption of these rules.

(f) The standards of the Western Association of Schools and Colleges, the Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, set forth in the document entitled "2001 Handbook of Accreditation," which is available free of charge on the commission's website at <http://www.wascweb.org> or for purchase at a cost of \$20.00 as of the time of adoption of these rules.



(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 3402 Mendocino Avenue, Santa Rosa, CA 95403, set forth in the document entitled “The Handbook of Accreditation and Policy Manual,” 2002 edition, which is available free of charge on the commission’s website at <http://www.wascweb.org>.

**R 338.2906a Experience; general requirements; social work technician, social worker, certified social worker.**

Rule 6a. (1) In addition to the standards specified in subrules (2) to (4) of this rule, all experience submitted by an applicant for registration at any level shall be in compliance with both of the following requirements:

(a) The experience shall have been obtained after the completion of the education required for that level.  
(b) The experience shall have been completed under the supervision of a Michigan certified social worker or a person who holds the equivalent license, certificate, or registration from a state that regulates social work. If an applicant presents experience obtained in a state that does not regulate social work, the experience shall have been obtained under the supervision of a person who possesses a master's degree in social work.

(2) Qualifying experience for an applicant for registration as a social work technician under section 18507 of the act means the delivery of social work services through either of the following:

(a) Interviewing clients to obtain data and provide information about available services and providing specific assistance to help people utilize community resources.  
(b) Conducting case-finding activities in the community and encouraging and providing linkages to available services.

(3) Qualifying experience for an applicant for registration as a social worker under section 18509 of the act means any of the following:

(a) Social casework assessment, planning, and intervention with individuals, couples, families, or groups to enhance or restore the capacity for social functioning.  
(b) Case management of health and human services.  
(c) Providing information and referring people to resources and monitoring the results.  
(d) Planning and collaborating with communities, organizations, or groups to improve their social or health services.

(4) Qualifying experience for an applicant for registration as a certified social worker under section 18511 of the act means either of the following:

(a) Psychosocial assessment, diagnosis, or treatment of mental, emotional, and behavioral disorders or planning and therapeutic intervention with an individual, a couple, a family or a group through the provision of individual, family, or group counseling or psychotherapy, or through social casework or group work.  
(b) Helping communities, organizations, or groups improve their social or health services by utilizing community organization techniques.

**R 338.2908 Level of registration; nonrenewal of registration.**

Rule 8. (1) If the board determines that the applicant does not qualify for the level applied for, it shall drop the applicant to the proper level. This is not to be construed to deny the applicant his or her right to appeal the board decision.

(2) If an individual was enrolled in a graduate program in social work at the time of obtaining a social worker registration under section 18509 of the act, but did not complete the program and was no longer enrolled in the program and had not met the other requirements of section 18509, then the individual no longer is eligible to renew a registration under section 18509 of the act. The person who holds a social

work registration is responsible for notifying the department that he or she has not met the requirements of this rule.

**R 338.2908a Social work registration by examination; requirements; graduates of schools in compliance with board standards.**

Rule 8a. (1) An applicant for social work registration by examination shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and administrative rules promulgated under the code, an applicant for social work registration by examination shall meet both of the following requirements:

- (a) Graduation from a baccalaureate degree program that complies with the standards set forth in R 338.2906.
  - (b) Completion of 2 or more years of social work experience, as required in section 18509 of the act.
- (2) For an application filed on or after January 1, 2004, in addition to meeting the requirements of subdivisions (a) and (b) of subrule (1), an applicant shall have passed the basic examination.

**R 338.2908b Certified social work registration by examination; requirements; graduates of schools in compliance with board standards.**

Rule 8b. (1) An applicant for certified social work registration by examination shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and administrative rules promulgated under the code, an applicant for certified social work registration by examination shall meet both of the following requirements:

- (a) Graduation from a master's degree program from an accredited school of social work that complies with the standards in R 338.2906.
  - (b) Completion of 2 or more years of social work experience as required in section 18511 of the act.
- (2) For an application filed on or after January 1, 2004, in addition to meeting the requirements of subdivisions (a) and (b) of subrule (1), an applicant shall have passed the clinical examination.

**R 338.2908c Social work registration examination; passing scores.**

Rule 8c. The board approves and adopts the basic social work examination developed and scored by the association of social work boards. A passing score on the examination shall be a converted score of not less than 75.

**R 338.2908d Certified social work registration examination; passing scores.**

Rule 8d. The board approves and adopts the clinical social work examination developed and scored by the association of social work boards. A passing score on the examination shall be a converted score of not less than 75.

**R 338.2909 Prohibited conduct.**

Rule 9. Prohibited conduct includes, but is not limited to, the following acts or omissions by a certified social worker, social worker, or social work technician:

- (a) Willful or negligent failure to provide or arrange for provision of continuity of necessary service.
- (b) Refusing to provide professional service to a person because of the person's race, creed, color, national origin, age, sex, sexual orientation, or disability.
- (c) Involvement in a dual relationship with a client or a former client and/or a client's or former client's immediate family in which there is a risk of exploitation or harm to the client.
- (d) Involvement in a conflict of interest that interferes with the exercise of professional discretion or makes a client's interests secondary.

- (e) Taking advantage of any professional relationship or exploiting others to further the social worker's personal, religious, political, and/or business/financial interests.
- (f) Involvement in or soliciting a sexual relationship with a client or member or members of the client's immediate family.
- (g) Involvement in or soliciting a sexual relationship with a former client or member or members of a former client's family within 3 years of the termination of treatment, irrespective of whether the actions are consensual or forced. Disciplinary action is not precluded against a person who becomes involved in a sexual relationship with a former client or member or members of a former client's family more than 3 years after the termination of treatment when there is a risk of exploitation or harm to the client.

**R 338.2910 Unprofessional advertising.**

Rule 10. Unprofessional advertising by a social worker consists of preparing or consenting to the preparation by action or inaction public announcements that fail to conform to the following professional standards:

- (a) Cards or announcements concerning social work practice shall be limited to a statement of the name, highest relevant degree, registration or diplomate status, address and telephone number, office hours and field of specialization.
- (b) Brochures, catalogs, or other forms of advertising media which bear the name of the certified social worker, social worker or social work technician announcing any services, fees, or fee ranges being offered shall describe the services accurately, but shall not claim or imply superior professional competence.

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**ADMINISTRATIVE RULES**

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**ORR # 2002-010**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**PUBLIC SERVICE COMMISSION**

**ELECTRIC INTERCONNECTION STANDARDS**

Filed with the Secretary of State on September 15, 2003.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the public service commission by section 7 of 1909 PA 106, MCL 460.557, section 5 of 1919 PA 419, MCL 460.55, and sections 4, 6, and 10e of 1939 PA 3, MCL 460.4, 460.6, and 460.10e)

R 460.481 Definitions.

Rule 1. (1) As used in these rules:

- (a) “Distribution system” means the structures, equipment, and facilities operated by an electric utility to deliver electricity to end users, but it excludes transmission facilities that are subject to the jurisdiction of the federal energy regulatory commission.
  - (b) “Interconnection” means the process administered by an electric utility to implement the electrical connection of a project with a distribution system, so that parallel operation can occur.
  - (c) “Interconnection procedures” mean the requirements adopted by each electric utility and approved by the commission to govern interconnection.
  - (d) “Project” means a merchant plant and other electric generating equipment and associated facilities that are not owned or operated by an electric utility.
  - (e) “Project developer” means a person that owns, operates, or proposes to construct, own, or operate, a project.
- (2) A term defined in section 10g of 1939 PA 3, MCL 460.10g, has the same meaning when used in these rules.

R 460.482 Electric utility interconnection procedures.

Rule 2. (1) Each electric utility shall file an application for approval of proposed interconnection procedures within 90 days of the effective date of these rules. Two or more electric utilities may file a joint application proposing a single set of interconnection procedures.

(2) The commission may approve, modify, or reject the proposed interconnection procedures. The commission shall issue its approval if the procedures, as proposed by the electric utility or with modifications required by the commission, meet all of the following requirements:

- (a) Describe the steps necessary to effect the connection of a merchant plant or other project with the distribution system of the electric utility.
- (b) Designate a single point of contact at the electric utility for all communications about interconnection.
- (c) Are consistent with generally accepted industry practices and guidelines.

- (d) Ensure the reliability of electric service and the safety of customers, utility employees, and the general public.
- (e) Ensure compliance with these rules.

R 460.483 Technical criteria.

Rule 3. (1) The interconnection procedures shall specify technical, engineering, and operational requirements that are suitable for the electric utility's distribution system. The procedures shall include provisions that apply specifically to a project that designates some or all of its electrical output for sale to an electric utility or a third party.

(2) The interconnection procedures shall make provisions that are appropriate for the size and capacity of a project as they affect the technical and engineering complexity of the interconnection. The procedures shall include a distinct set of requirements for each of the following project capacity classifications:

- (a) Less than 30 kilowatts.
- (b) Thirty kilowatts or more, but less than 150 kilowatts.
- (c) One hundred and fifty kilowatts or more, but less than 750 kilowatts.
- (d) Seven hundred and fifty kilowatts or more, but less than 2 megawatts.
- (e) Two megawatts or more.

(3) If the voltage at the electrical connection is comparable to the electric utility's transmission voltages, but the electric utility's facilities are classified as part of its distribution system for jurisdictional purposes, such as a radial line, the project shall not be subject to the interconnection procedures approved under these rules. The interconnection shall instead comply with analogous federal energy regulatory commission standards.

R 460.484 Project application.

Rule 4. (1) The interconnection procedures shall prescribe a process for a project developer to apply to an electric utility for an interconnection. The procedures may include a standard form application. A separate application shall be required for each project or project site.

(2) An electric utility shall acknowledge receipt of an application within 3 days, excluding Saturdays, Sundays, and other days when the offices of the electric utility are not open to the public.

(3) If the developer has paid the filing fee provided in R 460.485, the electric utility shall conduct an initial review of the application and provide the project developer 2 hours of consultation relating to the review in exchange for the fee. The consultation shall include a good faith estimate of the electric utility's charges to complete the interconnection.

(4) The interconnection procedures shall set a reasonable deadline for the electric utility to make an initial response to the application. The initial response shall indicate whether the application complies with the interconnection procedures and the standards set forth in these rules and identify any information required to complete the application or bring it into compliance. If an electric utility rejects an application for interconnection or otherwise withholds interconnection, then it shall provide the project developer with a written explanation of the reasons, which shall be based on demonstrably valid technical, reliability, or safety criteria.

R 460.485 Project filing fee.

Rule 5. (1) A project developer shall pay the electric utility a filing fee calculated as \$0.50 per kilowatt of project capacity, but in no event shall the amount of the fee be less than \$100 or more than \$500.

(2) An electric utility may not charge additional fees, unless they are authorized by these rules.

R 460.486 Interconnection deadlines.

Rule 6. (1) The interconnection procedures shall set deadlines for processing an application filed by a project developer, achieving major milestones, and completing the interconnection and shall preclude undue delay. The deadlines shall ensure that the period from the date that the project developer files a complete application to the completion of all of the electric utility's obligations for interconnection shall be no longer than the following for each project capacity classification:

- (a) Less than 30 kilowatts .....2 weeks
- (b) Thirty kilowatts or more, but less than 150 kilowatts .....4 weeks
- (c) One hundred and fifty kilowatts or more, but less than 750 kilowatts .....6 weeks
- (d) Seven hundred and fifty kilowatts or more, but less than 2 megawatts .....12 weeks
- (e) Two megawatts or more .....18 weeks
- (2) Delays that are the responsibility of the project developer shall not be included in determining compliance with the deadlines imposed in subrule (1) of this rule.
- (3) Delays that are solely attributable to time lapsed while an electric utility is diligently seeking to secure a necessary easement, right-of-way access, or other change in property rights or comply with governmental permitting or zoning requirements shall not be included in determining compliance with the deadlines imposed in subrule (1) of this rule.

R 460.487 Additional services provided by electric utility.

Rule 7. (1) The interconnection procedures shall state the conditions in which engineering studies or physical construction or modification of the electric utility's distribution system are required to facilitate or complete an interconnection. If any of those services are necessary, the electric utility and the project developer shall make a written agreement that sets forth the charges and other terms and conditions. The electric utility may prescribe standardized agreement forms as part of its interconnection procedures.

(2) The interconnection procedures shall set forth a uniform schedule of charges for engineering studies. The charges shall not exceed the lesser of either of the following:

- (a) Five percent of the estimated total cost of the project.
- (b) Ten thousand dollars.
- (3) The interconnection procedures shall not require, or impose charges for, engineering studies if the project's aggregate export capacity is less than 15% of the line section peak load and the project does not contribute more than 25% of the maximum short circuit current at the point of interconnection.
- (4) An agreement may impose charges for the electric utility's cost of making physical modifications to its distribution system, which shall not exceed reasonable, actual costs.
- (5) An agreement required by this rule shall set deadlines for the electric utility to perform its obligations. The deadlines shall be consistent with the requirements in R 460.486(1). If the electric utility is unable to perform its obligations within the deadlines, then the project developer may choose to retain a contractor from a list of certified contractors maintained by the electric utility, and the contractor shall perform the remaining services and construction activities that are necessary to comply with the electric utility's specifications. The interconnection procedures shall include the list of certified contractors that are capable of performing services and construction under this subrule. The electric utility may not withhold or deny certification from any contractor that requests certification and demonstrates the requisite capabilities.

R 460.488 Pre-certified equipment.

Rule 8. The interconnection procedures shall include provisions for creating and maintaining an up-to-date listing of pre-certified types, makes, and models of manufactured generating equipment. The electric utility's listing may reference or incorporate listings of equipment certified by recognized national testing laboratories as suitable for connection with a distribution system. The electric utility shall include an item of equipment in its pre-certified list if the item is generally acceptable for

interconnection with the distribution system and a detailed review of the item's engineering design, characteristics, or suitability is not necessary to approve its use or installation by a project developer.

R 460.489 Waivers.

Rule 9. An electric utility may apply for a waiver from 1 or more provisions of these rules. The Commission may grant a waiver upon a showing of good cause.

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**ADMINISTRATIVE RULES**

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**ORR # 2002-056**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**DIRECTOR'S OFFICE**

**PSYCHOLOGY - GENERAL RULES**

Filed with the Secretary of State on September 30, 2003.  
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by section 18201 of 1978 PA 368, MCL 333.18201 et seq. and Executive Reorganization Order Nos. 1996-1 and 1996-2, MCL 330.3101 and 445.2001)

R 338.2503, R 338.2504, R 338.2505, R 338.2506, R 338.2507, R 338.2507a, R 338.2510, R 338.2511, and R 338.2514 of the Michigan Administrative Code are amended and R 338.2508 and R 338.2509 are rescinded, as follows:

**R 338.2503 Request for board action.**

Rule 3. (1) A request for board action authorized under the code or 1969 PA 306, MCL 24.201 et seq. shall be in writing and shall be filed with the Board of Psychology, Bureau of Health Services, Department of Consumer and Industry Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. (2) The board or its authorized representative may require a person to submit additional information deemed necessary to an appropriate resolution of a matter.

**R 338.2504 License application requirements generally.**

Rule 4. An applicant for a psychologist license or a psychologist limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant thereto, an applicant shall demonstrate a working knowledge of the English language and satisfy the applicable education, training, experience, and examination requirements set forth in these rules. To demonstrate a working knowledge of the English language, an applicant shall establish either of the following:

- (a) That the applicant's psychologist educational program was taught in the English language.
- (b) That the applicant has obtained a score of not less than 213 on the test of English as a foreign language administered by the educational testing service and obtained a score of not less than 50 on the test of spoken English administered by the educational testing service or has passed other substantially equivalent English language proficiency examinations which assess all of the following:
  - (i) Reading comprehension.
  - (ii) Speaking skills.
  - (iii) Listening skills.



(iv) Ability to write clearly, using complete sentences with correct spelling, punctuation, and word usage.

**R 338.2505 Examination.**

Rule 5. Effective 1 year after promulgation of these rules, all applicants seeking licensure under section 18223(1) of the code shall take a written examination to be administered by the department of consumer and industry services. The examination shall include subjects determined by the board as essential to the safe and competent practice of psychology. Passing scores or the procedure used to determine passing scores shall be established by the board and published before the examinations are administered.

**R 338.2506 Application for licensure pursuant to §333.18223(1); education, training, and experience requirements.**

Rule 6. To be granted a license pursuant to section 18223(1) of the code, an applicant shall satisfy all of the following requirements:

(a) Education: An applicant shall possess either a doctoral degree in psychology or a doctoral degree in a closely related field from an institution that meets the standards adopted in R 338.2511(3). Either degree shall comply with all of the following:

(i) The degree shall be an integrated, organized sequence of study which includes instruction in research design and methodology, statistics, psychometrics, and scientific and professional ethics and standards.

(ii) The degree shall include at least 1 graduate course, taken for credit, from 3 of the 4 following areas:

(A) Biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, and psychopharmacology.

(B) Cognitive-affective bases of behavior: learning, thinking, motivation, and emotion.

(C) Social bases of behavior: social psychology, group processes, and organizational and systems theory.

(D) Individual differences: personality theory, human development, and abnormal psychology.

(iii) The degree shall include at least 1 course in both assessment and treatment.

(iv) Seventy-five percent of the hours required for the degree shall be primarily psychological in content. The dissertation and internship are excluded from what is considered course work. To be deemed psychological in content, a course shall satisfy at least 1 of the following criteria:

(A) Course work: The material taught is psychological.

(B) Psychology department: The course is taught in a psychology department.

(b) Training: An applicant shall have participated in an internship program that complies with the following:

(i) The internship provides the applicant with substantial opportunities to carry out major professional functions in the context of appropriate supervisory support.

(ii) The internship should be an integrated part of the doctoral degree program; however, a postdoctoral internship may be recognized by the board if it meets the other requirements set forth in this subdivision.

(iii) The internship takes place in an organized health care setting, as defined in R 338.2501(l)(b), or other arrangement receiving approval of the board.

(iv) The internship requires the applicant to work not less than 20 hours per week in the internship program.

(v) The internship requires not less than 2,000 clock hours of psychological work.

(vi) The applicant is supervised by a psychologist who is licensed in Michigan, eligible for licensure in Michigan, or who is licensed or certified at the independent practice level in the state where the internship takes place.

- (vii) The internship is separate and distinct from the applicant's required experience in the practice of psychology.
- (c) Experience: An applicant shall have acquired 2 years of postdoctoral experience in the practice of psychology which meets the following criteria:
  - (i) The experience constitutes not less than 4,000 hours.
  - (ii) Not more than 2,080 hours of acceptable experience shall be accumulated in any 1 calendar year.
  - (iii) The experience shall be accumulated at not less than 16 hours per week.
  - (iv) The applicant shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the applicant's education and training.
  - (v) The experience is acquired in an organized health care setting, as defined in R 338.2501(1) (b), or other arrangement receiving approval of the board.

R 338.2507 Application for limited license pursuant to §333.18223(2); education, training, and experience requirements.

Rule 7. (1) To be granted a limited license pursuant to section 18223(2) of the code, an applicant shall comply with either of the following:

- (a) Have been certified as a psychological examiner or eligible for certification as a psychological examiner under 1959 PA 257, MCL 338.1001 et seq. on or before September 30, 1978.
- (b) Individuals who apply for licensure pursuant to section 18223(2) of the code and who are not eligible pursuant to subdivision (a) of this subrule shall meet the following education, training, and experience requirements:
  - (i) Education: Applicants for a limited license shall have earned a master's degree in psychology from an institution that meets the standards provided in R 338.2511(3).
  - (ii) Individuals who are enrolled in a master's degree program that qualified them for a limited license before the effective date of this amendatory rule and who apply for a limited license within 5 years of the effective date of this amendatory rule shall be eligible for a limited license pursuant to section 18223(2) of the code.
  - (iii) The degree required under this subdivision shall satisfy the following requirements:
    - (A) The degree shall be an integrated, organized sequence of study that includes at least 1 course in assessment, 1 course in treatment, and 1 course in scientific and professional ethics and standards.
    - (B) Seventy-five percent of the hours of the required course work shall be primarily psychological in content. The thesis and practicum are excluded from what is considered course work. The board may require the applicant to provide such material as it deems necessary to demonstrate the psychological content of a course. To be deemed psychological in content, a course shall satisfy at least 1 of the following criteria:
      - (1) Course work: The material taught is psychological.
      - (2) Psychology department: The course is taught in a psychology department.
  - (ii) Training: An applicant shall have participated in a practicum that complies with the following:
    - (A) The practicum should be an integrated part of the master's degree program; however, a post-degree practicum may be recognized by the board if such a practicum is through an institution that meets the standards adopted in R 338.2511(3) and for which academic graduate credit is obtained. The practicum shall also meet the other requirements set forth in this paragraph.
    - (B) The practicum requires not less than 500 clock hours of psychological work.
    - (C) The applicant is supervised by a psychologist who is licensed or eligible for licensure in Michigan, or who is licensed or certified at the independent practice level in the state where the practicum takes place.
  - (iii) Experience: Individuals applying after September 30, 1980, in addition to the requirements of paragraphs (i) and (ii) of this subdivision, shall have acquired 1 year of post-master's degree experience

in the practice of psychology. To acquire the experience, the applicant shall obtain a temporary limited license for post-master's degree experience as provided in R 338.2507a. The experience shall comply with all of the following requirements:

(A) The experience shall constitute not less than 2,000 clock hours.

(B) The experience shall be accumulated at not less than 16 hours per week nor more than 40 hours per week.

(C) The applicant shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the applicant's education and training.

(D) The experience shall be acquired in an organized health care setting, as defined in R 338.2501(1) (b), or other arrangement receiving approval by the board.

(E) The applicant shall be supervised by a psychologist who is licensed in Michigan, eligible for licensure in Michigan, or who is licensed or certified at the independent practice level in the state where the experience is obtained.

(F) If a psychologist described in subparagraph (E) of this paragraph is unavailable, the applicant may seek the approval of the board for supervision by a limited licensed psychologist, a person who has been granted a master's degree in psychology and who has acquired not less than 3 years (6,000 hours) of post-master's degree experience in the practice of psychology, or another individual approved by the board.

**R 338.2507a Application for temporary limited license for post-master's degree experience pursuant to §333.18223(2).**

Rule 7a. (1) The board shall issue a temporary limited license for post-master's degree experience to an applicant who meets the following requirements:

(a) Has completed educational requirements as provided in these rules.

(b) Has completed training requirements as provided in these rules.

(c) Has made appropriate arrangements for supervision by a psychologist as provided in these rules.

(2) A temporary limited license is valid for 2 years.

**R 338.2508 Rescinded.**

**R 338.2509 Rescinded.**

**R 338.2510 Application for limited license pursuant to §333.18212(2); eligibility requirements.**

Rule 10. (1) To be eligible for a limited license for postdoctoral training and experience under section 18212(2) of the code, an individual shall have been granted a doctoral degree which meets the requirements of R 338.2506(a).

(2) An individual granted a limited license for postdoctoral training and experience shall be supervised by a licensed psychologist in an organized health care setting or other arrangement that is approved by the board. Supervision shall be on a regular weekly, face-to-face basis, reviewing all active work functions and records of the individual, except in cases of extreme hardship where an alternative supervision arrangement is approved by the board before implementation of the arrangement. Such training and experience shall occur in an organized health care setting, as defined in R 338.2501(1) (b), or other arrangement receiving approval of the board.

**R 338.2511 Accreditation; adoption by reference.**

Rule 11. (1) The board adopts by reference the recognition standards and criteria of the council for higher education accreditation (chea), effective January 1999, and the procedures and criteria for

recognizing postsecondary accrediting agencies of the U.S. department of education, effective July 1, 2000 to determine “regionally accredited” as provided in section 18223(1) and (2) of the code. Copies of the standards and criteria of the council for higher education accreditation and the U.S. department of education are available for inspection at the Board of Psychology, Bureau of Health Services, Department of Consumer and Industry Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. The chea recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council’s website at <http://www.chea.org>, at no cost. The federal recognition criteria also may be obtained from the U.S. Department of Education, Office of Postsecondary Education, 1990 K Street NW, Washington, DC 20006 or from the department’s website at <http://www.ed.gov/offices/OPE>, at no cost.

(2) The board adopts by reference the standards of the following postsecondary accrediting organizations, which are available for inspection at the Board of Psychology, Bureau of Health Services, Department of Consumer and Industry Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Copies of the following standards may be obtained from the individual accrediting organization at the identified cost:

(a) The standards of the Middle States Association of Colleges and Schools, Commission on Higher Education, 3624 Market Street, Philadelphia, PA 19104, set forth in the document entitled “Characteristics of Excellence in Higher Education: Eligibility Requirements and Standards for Accreditation”, 2002 Edition, which is available free of charge on the association’s website at <http://www.msache.org> or for purchase at a cost of \$6.00 as of the time of adoption of these rules.

(b) The standards of the New England Association of Schools and Colleges, Inc., Commission on Institutions of Higher Education, 209 Burlington Road, Bedford, MA 07130, set forth in the document entitled “Standards for Accreditation”, 2001 Edition, which is available free of charge on the association’s website at <http://www.neasc.org> or for purchase at a cost of \$5.00 as of the time of adoption of these rules.

(c) The standards of the North Central Association of Colleges and Schools, the Higher Learning Commission, 30 North LaSalle Street, Suite 2400, Chicago, IL 60602, set forth in the document entitled “Handbook of Accreditation”, Second Edition, which is available for purchase through the association’s website at <http://www.ncahigherlearningcommission.org> at a cost of \$18.00 as of the time of adoption of these rules.

(d) The standards of the Northwest Association of Schools, Colleges, and Universities, the Commission on Colleges and Universities, 8060 165<sup>TH</sup> Avenue NE, Suite 100, Redmond, WA 98052, set forth in the document entitled “Accreditation Handbook”, 1999 Edition, which is available for purchase at a cost of \$12.00 as of the time of adoption of these rules, or through the association’s website at <http://www.nwccu.org>.

(e) The standards of the Southern Association of Colleges and Schools, Commission on Colleges, 1866 Southern Lane, Decatur, GA 30033, set forth in the document entitled “Criteria for Accreditation” 1998 edition, which is available free of charge on the association’s website at <http://www.sacscoc.org> or for purchase at a cost of \$12.00 as of the time of adoption of these rules.

(f) The standards of the Western Association of Schools and Colleges, the Accrediting Commission for Senior Colleges and Universities, 985 Atlantic Avenue, Suite 100, Alameda, CA 94501, set forth in the document entitled “2001 Handbook of Accreditation”, which is available free of charge on the commission’s website at <http://www.wascweb.org> or for purchase at a cost of \$20.00 as of the time of adoption of these rules.

(g) The standards of the Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges, 3402 Mendocino Avenue, Santa Rosa, CA 95403, set forth in the document entitled “The Handbook of Accreditation and Policy Manual”, 2002 Edition, which is available free of charge on the commission’s website at <http://www.wascweb.org>.

**R 338.2514 Advertising.**

Rule 14. (1) A psychologist licensed pursuant to section 18223(1) of the code is permitted to advertise unless such advertising is false or misleading to the public.

(2) Advertising means any representation, by whatever form that is intended for, or likely to be received by, the public and which offers or describes psychological services or abilities. Advertising includes, but is not limited to, all of the following:

- (a) Newspapers.
- (b) Magazines.
- (c) Radio.
- (d) Television.
- (e) Letterheads.
- (f) Business cards.
- (g) Business announcements.
- (h) Books.
- (i) Brochures.
- (j) Yellow pages.
- (k) Business directories.

(3) Advertising is false or misleading if it is any of the following:

- (a) Inaccurate.
- (b) Exaggerated.
- (c) Deceptive.
- (d) Unfair.
- (e) Fails to reveal a material fact, the omission of which tends to mislead to deceive the public.
- (f) Intended or likely to create unjustified expectations.
- (g) Likely to cause confusion or misunderstanding by the public.

(4) The following are examples of advertising that are permissible under these rules:

- (a) An advertisement may show all of the following:
  - (i) Fee information.
  - (ii) Policy regarding payment terms.
  - (iii) Academic degrees earned from institutions accredited or otherwise recognized by the board.
  - (iv) Office hours.
  - (v) Membership in professional associations.
  - (vi) American board of professional psychology diplomate status.
  - (vii) Policy regarding third-party payments.
  - (viii) That the licensee is a psychologist licensed in Michigan.

(b) An advertisement may describe types of psychological services offered.

(c) If practice is limited to a particular area or areas, that fact may be noted.

Advertising is not limited to the examples specifically set forth in this subrule, as long as it otherwise complies with these rules.

(5) A paid advertisement shall be identified as such, unless it is obvious from the context that it is a paid advertisement.

(6) An advertisement which identifies or names persons other than psychologists possessing a Michigan license or a Michigan limited license shall clearly disclose the professional identity of such persons.

(7) The licensee is responsible for ensuring that advertising is not in conflict with these rules. A licensee securing advertising has the affirmative duty to review all advertisements before they are released to the

public. Bona fide prior review of the advertisement will be prima facie proof that the licensee is not responsible for advertising violations introduced thereafter by other persons without the knowledge or involvement of the licensee.

(8) A limited licensee licensed pursuant to any section of part 182 of the code may not advertise; however, a psychologist licensed pursuant to section 18223(1) may in advertising identify a limited licensee subject to the following provisions:

(a) The advertisement shall identify the limited licensee's employer or supervisor as such.

(b) The advertisement may show the limited licensee's name and academic degrees earned from institutions accredited or otherwise recognized by the board.

(c) The advertisement shall identify the limited licensee as a "Michigan limited licensed psychologist."

(d) The advertisement shall display, in a manner which is conspicuous and which clearly indicates its applicability to the limited licensee named, the following statement: "A Michigan limited license permits practice under the supervision of a Michigan licensed psychologist."

(e) Letterheads and business cards need not comply with subdivision (d) of this subrule, but shall comply with all other portions of this subrule.

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**ADMINISTRATIVE RULES**

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**ORR # 2003-036**

**DEPARTMENT OF STATE POLICE**

**SPECIAL OPERATIONS DIVISION**

**TESTS FOR BREATH ALCOHOL**

Filed with the Secretary of State on September 16, 2003

These rules take effect September 30, 2003

(By authority conferred on the department of state police by 1945 PA 327, MCL 259.190, 1949 PA 300, MCL 257.625h, and 1994 PA 451, MCL 324.80181 AND MCL 324.82137)

R 325.2651, R 325.2653, R 325.2655, and R 325.2659 of the Michigan Administrative Code are amended as follows:

R 325.2651 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Acts" means 1945 PA 327, MCL 259.190, 1949 PA 300, MCL 257.625a, 1993 PA 354, MCL 462.359, 1994 PA 451, MCL 324.80181, MCL 324.81136, AND MCL 324.82137.
- (b) "Class I operator" means a person who is trained to administer a preliminary breath alcohol analysis on a preliminary breath alcohol test instrument specified by the department.
- (c) "Class II operator" means a person who is certified by the department to administer an evidential breath alcohol analysis on an evidential breath alcohol test instrument specified by the department.
- (d) "Class IIIA operator" means a person who is certified by the department to do all of the following:
  - (i) Administer an evidential breath alcohol analysis on an evidential breath alcohol test instrument specified by the department.
  - (ii) Administer a preliminary breath alcohol analysis on a preliminary breath alcohol test instrument specified by the department.
  - (iii) Verify and calibrate, as required, preliminary breath alcohol test instruments.
  - (iv) Train personnel in the use of preliminary breath alcohol test instruments.
- (e) "Class IIIB operator" means a person who is certified by the department to do both of the following:
  - (i) Administer an evidential breath alcohol analysis on an evidential breath alcohol test instrument specified by the department.
  - (ii) Provide service on an evidential breath alcohol test instrument as specified by the department.
- (f) "Class IV operator" means a person who is certified by the department to do all of the following:
  - (i) Administer an evidential breath alcohol analysis on an evidential breath alcohol test instrument specified by the department.
  - (ii) Administer a preliminary breath alcohol analysis on a preliminary breath alcohol test instrument specified by the department.
  - (iii) Verify, calibrate, and service, as required, evidential and preliminary breath alcohol test instruments.

- (iv) Train class I, class II, class IIIA, and class IIIB operators in the use of evidential or preliminary breath alcohol test instruments.
- (g) "Department" means the department of state police.
- (h) "Evidential breath alcohol analysis" means chemical analysis of an essentially alveolar breath sample that indicates a specific result in grams of alcohol per 210 liters of breath.
- (i) "Evidential breath alcohol test instrument" means an evidential breath testing device that indicates a specific result in grams of alcohol per 210 liters of breath.
- (j) "Preliminary breath alcohol analysis" means chemical analysis of essentially alveolar breath samples that indicates the presence or absence of alcohol in a person's blood.
- (k) "Preliminary breath alcohol test instrument" means a breath alcohol screening device that indicates the presence or absence of alcohol in a person's blood.
- (2) Terms used in the acts have the same meanings when used in these rules.

R 325.2653 Equipment accuracy.

Rule 3. (1) An evidential breath alcohol test instrument shall be verified for accuracy at least once during each calendar week, or more frequently as the department may require, by a class II, class IIIA, or class IIIB operator. The test for accuracy shall be made in a prescribed manner using a standard alcohol solution that is approved by the department. For the instrument to meet the requirements for accuracy, a test result of .076 to .084, inclusive, shall be obtained when using a controlled device that delivers an alcohol vapor concentration of .080 grams of alcohol per 210 liters of vapor. Other vapor concentrations shall show proportionally accurate results.

(2) A preliminary breath alcohol test instrument shall be verified for accuracy at least monthly, or more frequently as the department may require, by a class IIIA or class IV operator. The test for accuracy shall be made in a prescribed manner using a standard alcohol solution that is approved by the department. For the instrument to meet the requirements for accuracy, a test result of .076 to .084, inclusive, shall be obtained when using a controlled device that delivers an alcohol vapor concentration of .080 grams of alcohol per 210 liters of vapor.

(3) Approved evidential breath alcohol test instruments shall be inspected, verified for accuracy, and certified as to their proper working order by a certified class IV operator or the instrument manufacturer's authorized representatives approved by the department within 120 days, inclusive, of the previous inspection.

R 325.2655 Techniques and procedures.

Rule 5. (1) A procedure that is used in conjunction with evidential breath alcohol analysis shall be approved by the department and shall be in compliance with all of the following provisions:

- (a) Evidential breath alcohol test instruments shall be operated only by class II, class IIIA, class IIIB, and class IV operators.
- (b) All analyses shall be conducted using the department-approved procedures and report forms as required.
- (c) Prescribed records of operation, analyses, and results shall be maintained at the instrument location and copies shall be forwarded to the department as required.
- (d) The department shall test samples from each lot of ampoules of chemical solution used in the state in conjunction with evidential breath alcohol test instruments. The department shall certify for use those lots of ampoules that are found to be proper in chemical composition.
- (e) A person may be administered a breath alcohol analysis on an evidential breath alcohol test instrument only after being observed for 15 minutes by the operator before collection of the breath sample, during which period the person shall not have smoked, regurgitated, or placed anything in his or her mouth, except for the mouthpiece associated with the performance of the test.



(f) A second breath alcohol analysis shall be requested from the person being tested and administered, unless the person refuses to give the second sample or a substance is found in the person's mouth subsequent to the first test that could interfere with the test result. Obtaining the first sample is sufficient to meet the requirements for evidentiary purposes prescribed in 1949 PA 300, MCL 257.625c. The purpose of obtaining a second sample result is to confirm the result of the first sample. A second sample result shall not vary from the first sample result by more than the following values:

Table 1

Allowable variation of Blood alcohol concentration	second sample result range from the first
0.00 - 0.14	+ 0.01
0.15 - 0.24	+ 0.02
0.25 - 0.34	+ 0.03
0.35 - or more	+ 0.04

If the variation is more than that allowed, a third breath sample shall be requested from the person being tested and a third result may be obtained. If the third result does not conform to the allowable variation of either of the first two tests, as established in table 1, the person shall be requested to submit a blood or urine sample for analysis by an approved laboratory.

(g) The results of a breath alcohol analysis of a person's breath shall be expressed in terms of grams of alcohol per 210 liters of breath, truncated to the second decimal place. For example, 0.237 found shall be reported as 0.23.

(2) A procedure that is used in conjunction with preliminary breath alcohol analysis shall be approved by the department and shall be in compliance with all of the following provisions:

(a) Preliminary breath alcohol test instruments shall be operated only by operators trained by class IIIA or class IV operators to operate such equipment.

(b) A person may be administered a breath test on a preliminary breath alcohol test instrument only after it has been determined that the person has not smoked, regurgitated, or placed anything in his or her mouth for at least 15 minutes.

(c) Prescribed records shall be maintained at the instrument location and copies shall be forwarded to the department as required.

(3) A person's welfare shall be protected by requesting medical assistance if the person has a body alcohol concentration of 0.35 or more.

#### R 325.2659 Laboratory tests.

Rule 9. Laboratory testing of blood, urine, or other bodily substances for its alcohol content, for the purpose of the acts, shall be made by the department or a laboratory either licensed under 1968 PA 235, MCL 325.81 to 325.92 or approved by the department. The director of the department shall approve equipment, personnel, and procedures to be used in the determination of the alcohol content of blood, urine, or other bodily substances for the purpose of enforcement of the acts. Failure to maintain the standards prescribed by the department may result in the limitation or revocation of the laboratory license issued under 1968 PA 235 or approval of the laboratory by the department to conduct alcohol tests.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2002-013**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**DIRECTOR'S OFFICE**

**DENTISTRY - GENERAL RULES**

Filed with the Secretary of State on  
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by section 16601 of 1978 PA 368, MCL 333.16601 et seq. and Executive Reorganization Order Nos. 1996-1 and 1996-2, MCL 330.3101 and 445.2001)

R 338.11701, R 338.11703, and R 338.11705 of the Michigan Administrative Code are amended and R 338.11704 and R 338.11704a are added as follows:

**R 338.11701 License renewal for dentists; relicensure; requirements; applicability.**

Rule 1. (1) This part applies to applications for the renewal of a dentist license and applications for relicensure pursuant to section 16201(3) and (4) of the act which are filed on or after April 30, 1994.

(2) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license or an applicant for relicensure shall possess current certification in basic or advanced cardiac life support from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(3) and shall comply with the following requirements, as applicable:

(a) For a dentist license, the applicant shall have completed not less than 60 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application. Each licensee shall complete a minimum of 20 hours of approved continuing education in programs directly related to clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(b) Dental specialists shall have completed 20 hours of the 60 required board-approved continuing education hours in the dental specialty field in which they are certified within the 3-year period immediately preceding the renewal application.

(c) Each licensee shall complete at least 1 continuing education credit in pain and symptom management in each renewal period. Continuing education credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions.

(d) If an organized continuing education course or program is offered in segments of 50 to 60 minutes each, 1 hour of credit shall be given for each segment.

(3) The submission of the application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain

evidence of complying with the requirements of this rule for a period of 4 years from the date of the application.

**R 338.11703 Acceptable continuing education for dentists; limitations.**

Rule 3. The board shall consider any of the following as acceptable continuing education:

- (a) Successful completion of a course or courses offered for credit in a dental school or a hospital-based dental specialty program approved by the board pursuant to the provisions of R 338.11301, a dental hygiene school approved by the board pursuant to the provisions of R 338.11303, or a dental assisting school approved by the board pursuant to the provisions of R 338.11307. Ten hours of continuing education shall be credited for each quarter credit earned and 15 hours shall be credited for each semester credit earned, without limitation.
- (b) A maximum of 20 credit hours per calendar year may be earned for satisfactorily participating for a minimum of 7 months in a postgraduate dental clinical training program in a hospital or institution that is approved by the board pursuant to the provisions of R 338.11301.
- (c) Attendance at a continuing education program offered by a dental school or a hospital-based dental specialty program approved by the board pursuant to the provisions of R 338.11301, a dental hygiene school approved by the board pursuant to the provisions of R 338.11303, or a dental assisting school approved by the board pursuant to the provisions of R 338.11307. One hour of continuing education shall be credited for each hour of program attendance, without limitation.
- (d) Attendance at a continuing education program approved by the board pursuant to the provisions of R 338.11705(4) of this part. One hour of continuing education shall be credited for each hour of program attendance, without limitation.
- (e) Development and presentation of a table clinical demonstration or a continuing education lecture offered in conjunction with the presentation of continuing education programs approved by the board. One hour of continuing education shall be credited for each hour devoted to the development and initial presentation of a table clinical demonstration or a continuing education lecture, with a maximum of 10 hours of continuing education credited for the development and presentation of the same demonstration or lecture.
- (f) Twelve hours of continuing education shall be credited for the initial publication of an article or articles related to the practice of dentistry, dental hygiene, or dental assisting in the journal of an accredited school of dentistry, dental hygiene, or dental assisting or a state or state component association of dentists, dental specialists, dental hygienists, or dental assistants.
- (g) Twenty-five hours of continuing education shall be credited for the initial publication of an article or articles related to the practice of dentistry, dental hygiene, or dental assisting in a textbook or in the journal of a national association of dentists, dental specialists, dental hygienists, or dental assistants.
- (h) Reading articles, viewing, or listening to media, other than on-line programs, devoted to dental, dental hygiene, or dental assisting education. One hour of continuing education shall be credited for each hour devoted to such education, with a maximum of 10 hours credited under this category.
- (i) Twenty hours of continuing education may be earned in board-approved, on-line continuing education activities.
- (j) Successful completion of an American Board specialty examination. Ten hours of continuing education shall be credited in the year in which the applicant is advised he or she passed the examination.
- (k) Renewal of a license held in another state that requires continuing education for license renewal that is substantially equivalent to that required in these rules if the applicant resides and practices in another state. For a dentist, 60 hours of continuing education shall be credited for evidence of current licensure in another state.

- (l) One continuing education contact hour may be granted for each hour of program attendance at a continuing education program which has been granted approval by another state board of dentistry.
- (m) Ten hours of continuing education shall be credited to dentists for attendance at dental-related programs which shall be documented by the licensee as relevant to health care and advancement of the licensee's dental education. The board shall deny a request for approval if the continuing education request does not meet the criteria used by the board for approval of continuing education sponsors.
- (n) A maximum of 30 credit hours per renewal period for a dentist may be earned for programs related to topics approved for category 1 continuing education by the boards of medicine or osteopathic medicine.

**R 338.11704 License renewal for dental hygienists and dental assistants; relicensure; requirements; applicability.**

Rule 4. (1) This part applies to applications for the renewal of a registered dental hygienist license or a registered dental assistant license and applications for relicensure pursuant to section 16201(3) and (4) of the act which are filed on or after April 30, 1994.

(2) An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license or an applicant for relicensure shall possess current certification in basic or advanced cardiac life support from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(3) and shall comply with the following requirements, as applicable:

(a) For a registered dental hygienist license or a registered dental assistant license, the applicant shall have completed not less than 36 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application. Each licensee shall complete a minimum of 12 hours of approved continuing education in programs directly related to clinical issues such as delivery of care, materials used in the delivery of care, and pharmacology.

(i) Applicants holding both a registered dental hygienist license and a registered dental assistants license shall have completed not less than a total of 36 hours of continuing education acceptable to the board during the 3-year period immediately preceding the date of the application. The 36 hours shall include not less than 12 hours devoted to registered dental hygienist functions, and not less than 12 hours devoted to registered dental assistants functions.

(b) Each licensee shall complete at least 1 hour of continuing education credit in pain and symptom management in each renewal period.

(c) If an organized continuation course or program is offered in segments of 50 to 60 minutes each, 1 hour of credit shall be given for each segment.

(3) The submission of the application for renewal shall constitute the applicant's certification of compliance with the requirement of this rule. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 4 years from the date of the application.

**R 338.11704a Acceptable continuing education for dental hygienists and dental assistants; limitations.**

Rule 4a. The board shall consider any of the following as acceptable continuing education:

(a) Successful completion of a course or courses offered for credit in a dental school or hospital-based dental specialty program approved by the board pursuant to the provisions of R 338.11301, a dental hygiene school approved by the board pursuant to the provisions of R 338.11303, or a dental assisting school approved by the board pursuant to the provisions of R 338.11307. Ten hours of continuing

education shall be credited for each quarter credit earned and 15 hours shall be credited for each semester credit earned, without limitation.

(b) Attendance at a continuing education program offered by a dental school or hospital-based dental specialty program approved by the board pursuant to the provisions of R 338.11301, a dental hygiene school approved by the board pursuant to the provisions of R 338.11303, or a dental assisting school approved by the board pursuant to the provisions of R 338.11307. One hour of continuing education shall be credited for each hour of program attendance, without limitation.

(c) Attendance at a continuing education program approved by the board pursuant to the provisions of R 338.11705 of this part. One hour of continuing education shall be credited for each hour of program attendance, without limitation.

(d) Development and presentation of a table clinic demonstration or a continuing education lecture offered in conjunction with the presentation of continuing education programs approved by the board. One hour of continuing education shall be credited for each hour devoted to the development and initial presentation of a table clinic demonstration or a continuing education lecture, with a maximum of 10 hours of continuing education credited for the development and presentation of the same table clinic demonstration or continuing education lecture.

(e) Twelve hours of continuing education shall be credited for the initial publication of an article or articles related to the practice of dentistry, dental hygiene, or dental assisting in the journal of an accredited school of dentistry, dental hygiene or dental assistant, or in a state or state component association of dentists, dental specialists, dental hygienists, or dental assistants.

(f) Twenty-five hours of continuing education shall be credited for the initial publication of an article or articles related to the practice of dentistry, dental hygiene, or dental assisting in a textbook or in the journal of a national association of dentists, dental specialists, dental hygienists, or dental assistants.

(g) Twelve hours of continuing education may be earned in board-approved, on-line continuing education activities.

(h) Renewal of a license held in another state that requires continuing education for license renewal that is substantially equivalent to that required in these rules if the applicant resides and practices in another state. For a registered dental hygienist or registered dental assistant, 36 hours of continuing education shall be credited for evidence of current licensure in such other state.

(i) For a registered dental assistant, meeting the requirements for recertification in R 338.11705(2). Thirty-six hours of continuing education shall be credited for evidence of current certification, other than life certification, by the dental assisting national board.

(j) One continuing education contact hour may be granted for each hour of program attendance at a continuing education program which has been granted approval by another state board of dentistry.

(k) Six hours of continuing education shall be credited to dental hygienists or registered dental assistants for attendance at dental related programs which are documented by the licensee as relevant to health care and advancement of the licensee's dental education. The board shall deny a request for approval if the continuing education request does not meet the criteria used by the board for approval of continuing education sponsors.

(l) A maximum of 18 credit hours per renewal period may be earned for programs related to specific dental specialty topics approved for category 1 continuing education by the boards of medicine or osteopathic medicine.

### **R 338.11705 Standards and requirements; adoption by reference.**

Rule 5. (1) The board approves and adopts by reference the standards and criteria of the national sponsor approval program of the academy of general dentistry for approval of continuing education sponsoring organizations, institutions, and individuals, which are in the publication entitled "Program

Approval for Continuing Education (PACE), a Guidebook, Revised July 2002”. Information on the pace standards and criteria is available at no cost from the Academy of General Dentistry, 211 East Chicago Avenue, Suite 900, Chicago, IL 60611 or from the academy’s internet website at <http://www.agd.org>. A copy of the guidebook is available for inspection and distribution at cost from the Michigan Department of Consumer and Industry Services, Bureau of Health Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Approval of a sponsor by the academy of general dentistry committee on national sponsor approvals or by any academy of general dentistry constituent academy shall constitute prima facie evidence that the sponsor meets the standards and criteria adopted by the board.

(2) The board approves and adopts by reference the standards and criteria of the National Sponsor Approval Program of the American Dental Association Continuing Education Recognition Program (ADA CERP) for approval of continuing education sponsoring organizations, which are set forth in the publication entitled “ADA CERP Recognition Standards and Procedures, Revised April 2002.” A copy of this publication may be obtained at no cost from the association at ADA CERP 211 E. Chicago Avenue, Chicago, IL 60611-2678 or from the association’s internet website at <http://www.ada.org/prof/ed/ce/cerp>. A copy of the publication is available for inspection and distribution at cost from the Department of Consumer and Industry Services, Bureau of Health Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Approval of a sponsor by the ADA CERP or by any constituent group of ADA CERP shall constitute prima facie evidence that the sponsor meets the standards and criteria adopted by the board.

(3) The board approves and adopts by reference the requirements for recertification established by the dental assisting national board and set forth in the publication entitled “2002 Recertification Guidelines & Requirements.” A copy of the publication may be obtained at no cost from the Dental Assisting National Board, 676 N. St. Clair Street, Suite 1880, Chicago, IL 60611 or from the national board’s internet website at <http://www.danb.org>. A copy of the guidelines and requirements are available for inspection and distribution at cost from the Department of Consumer and Industry Services, Bureau of Health Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(4) The board shall consider any continuing dental education program that is offered by a sponsor that applies to the board and demonstrates it substantially meets the standards and criteria adopted by the board as a continuing education program approved by the board.

(5) The board adopts by reference the standards for certification in basic and advanced cardiac life support set forth by the American heart association in the guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers and published in “Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care (70-2041). A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiac care may be obtained from the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231 or at <http://www.ahajournals.org> at a cost of \$20.00 as of the adoption of these rules. A copy of this

document is available for inspection and distribution at cost from the Department of Consumer and Industry Services, Bureau of Health Services, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909.

(6) The board may approve a state, regional, or national dental organization as an acceptable provider of continuing education courses if the organization presents standards, criteria, and course monitoring procedures for its courses that are acceptable to the board. This approval may be withdrawn if the board determines the organization is not complying with the standards and criteria presented. The standards, criteria, and monitoring procedures will be retained in the department’s board files. An organization shall update its file with the department every 5 years.

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**NOTICE OF PUBLIC HEARING**

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**ORR # 2002-013**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**DIRECTOR'S OFFICE**

**DENTISTRY - GENERAL RULES**

The Department of Consumer & Industry Services will hold a public hearing on Tuesday, October 28, 2003 from 9:00 a.m. to 11:00 a.m. at the Department of Consumer & Industry Services, Ottawa Building, 611 West Ottawa, Conference Room 2, Upper Level, Lansing, Michigan.

The public hearing is being held to receive comments from interested persons on amendments to the Michigan Board of Dentistry Administrative Rules. The administrative rules currently require an applicant for license renewal or relicensure as a dentist, dental hygienist, or dental assistant to complete a specified number of hours in continuing education. The administrative rules are being amended to provide alternative continuing education programs, including a separate category for on-line continuing education programs, and to set a maximum number of hours a licensee may accrue toward the total requirement.

These rules are being promulgated under the authority of section 16601 of 1978 PA 368, MCL 333.16601 et seq. and Executive Reorganization Order Nos. 1996-1 and 1996-2, MCL 333.3101 and 445.2001. The rules will become effective seven days after filing with the Secretary of State.

Hearing comments may be presented in person, with written comments available at the time of presentation. Comments also may be submitted by mail, FAX (517) 241-3082, or electronic mail until November 21, 2003 at 5:00 p.m. Address communications to:

Department of Consumer & Industry Services  
Bureau of Health Services – Dentistry Hearing  
P.O. Box 30670; Lansing, MI 48909-8170  
Attention: Diane R. Lewis, Policy Administration Manager  
E-mail address: drlewis@michigan.gov

A copy of the proposed rules may be obtained by contacting the Bureau at the address above. Electronic copies also may be obtained at <http://www.michigan.gov/orr>.

All hearings are conducted in compliance with the 1990 Americans With Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual who requires accommodations for effective participation in a hearing should call Nita Hixson at (517) 335-1341 to make the necessary arrangements. To ensure availability of the accommodation, please call at least 1 week in advance.



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**PROPOSED ADMINISTRATIVE RULES**

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**ORR 2003-024**

**DEPARTMENT OF COMMUNITY HEALTH**

**HEALTH PROGRAMS ADMINISTRATION**

**BUREAU OF CHILDREN AND FAMILY PROGRAMS**

**VISION SCREENING OF PRESCHOOL AND SCHOOL-AGE CHILDREN**

Filed with the Secretary of State on  
These rules take effect 15 days after filing with the Secretary of State.

(By authority conferred on the department of public health by sections 2226(d), 2233, and 9321 of Act No. 368 of the Public Acts of 1978, as amended, and section 9 of Act No. 380 of the Public Acts of 1965, as amended, being §333.2226(d), 333.2233, 333.9321, and 16.109 of the Michigan Compiled Laws)

R 325.13092, and R325.13094 of the Michigan Administrative Code is amended as follows:

R 325.13091 Definitions.

Rule 1. (1) As used in these rules:

(A) "Clinic" means a place where vision screening is done, such as a school, a nursery, or a local health department facility.

(B) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being S333.1101 et seq. of the Michigan Compiled Laws.

(C) "Screening" means the overall procedure which employs a number of tests designed to determine whether or not an individual should be referred for a professional eye examination.

(D) "Test" means an individual specific procedure used to determine whether or not an individual should be referred for a professional eye examination.

(2) Unless the context requires otherwise, terms defined in the code have the same meaning when used in these rules.

History: 1979 ACS 5, Eff. Mar. 5, 1981.

R 325.13092 Vision tests.

Rule 2. (1) Vision tests of preschool children who have not yet registered for the first time in school shall include tests for monocular and binocular visual acuity and for eye muscle function.

(2) Vision tests for school-age children shall include tests for monocular visual acuity and for eye muscle function.

~~(3) Color vision testing shall be done at least once during the elementary school years.~~

~~(4)~~ (3) The procedures used in vision screening and testing shall be approved by the department.

History: 1979 ACS 5, Eff. Mar. 5, 1981.

R 325.13093 Vision technician training.

Rule 3. Public health vision screening and vision tests shall be given by individuals trained to properly administer the screening and tests. The method of their training shall be approved by the department.

History: 1979 ACS 5, Eff. Mar. 5, 1981.

R 325.13094 Frequency of screening.

Rule 4. (1) Vision screening of preschool children shall be done at least once during the ages 3 through 5 years.

(2) Vision screening of school-age children shall, at a minimum, be done in grades 1, 3, 5, 7, 9, ~~and 11~~ or grades 1, 3, 5, 7 and in conjunction with driver training. For school children who are not in graded programs, screening shall be done biennially starting at age 6.

History: 1979 ACS 5, Eff. Mar. 5, 1981.

R 325.13095 Follow-up notices.

Rule 5. The statement required by section 9305 of the code shall be a written statement that an eye examination by an ophthalmologist or optometrist is required. The statement shall be given or sent to the parent or guardian of the child.

History: 1979 ACS 5, Eff. Mar. 5, 1981.

R 325.13096 Vision screening or test results.

Rule 6. Copies of the results of the vision screening or testing shall be forwarded to the department on a monthly basis within 30 days after the screening or testing is administered.

History: 1979 ACS 5, Eff. Mar. 5, 1981.

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**NOTICE OF PUBLIC HEARING**

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**ORR 2003-024**

**DEPARTMENT OF COMMUNITY HEALTH**

**HEALTH PROGRAMS ADMINISTRATION**

**BUREAU OF CHILDREN AND FAMILY PROGRAMS**

**VISION SCREENING OF PRESCHOOL AND SCHOOL-AGE CHILDREN**

Pursuant to Section 41(2) of Public Act 306 of 1969, as amended, the Department of Community Health will hold a hearing on proposed community health rules on:

<b>Date:</b> October 23, 2003	<b>Location:</b> Michigan Department of Community Health
<b>Time:</b> 9:00 a.m	Baker-Olin West Building – Conference Room C
	3423 N. Martin Luther King Jr. Boulevard
	Lansing, Michigan

**The Proposed Rules Cover:**

- X R325.13094(2): Current rule requires screening in grades 1,3,5,7,9,and 11 or grades 1,3,5,7 and in conjunction with driver training. Since most adolescents receive vision screening prior to driver's training, the requirement for screening in the 11<sup>th</sup> grade should be eliminated.
- X R325.13092(3): Current rule requires color vision testing to be done at least once during elementary school years. Proposed change would eliminate this requirement.

Written comments will be accepted through October 20, 2003. Please send to the Michigan Department of Community Health, attention: Mary Greco, Legal Affairs Coordinator, at the address below.

The hearing location is handicapper accessible and interpreters will be available for the hearing impaired, **if requested, seven days in advance.**

These rules take effect 15 days after filing with the Secretary of State.

Michigan Department of Community Health  
Janet Olszewski, Director  
320 S. Walnut – 6<sup>th</sup> Floor  
Lansing, Michigan 48913

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2003-025**

**DEPARTMENT OF COMMUNITY HEALTH**

**HEALTH PROGRAMS ADMINISTRATION**

**BUREAU OF CHILDREN AND FAMILY PROGRAMS**

**HEARING SCREENING OF PRESCHOOL AND SCHOOL-AGE CHILDREN**

Filed with the Secretary of State on  
These rules take effect 15 days after filing with the Secretary of State.

(By authority conferred on the department of public health by sections 2226(d), 2233, and 9321 of Act No. 368 of the Public Acts of 1978, as amended, and section 9 of Act No. 380 of the Public Acts of 1965, as amended, being §333.2226(d), 333.2233, 333.9321, and 16.109 of the Michigan Compiled Laws)

R 325.3274 of the Michigan Administrative Code is amended as follows:

R 325.3271 DefinitionS.

Rule 1. (1) As used in these rules:

- (A) "Clinic" means a place where hearing screening is done, such as a school, a nursery, or a local health department facility.
- (B) "Code" means Act No. 368 of the Public Acts of 1978,as amended, being S333.1101 et seq. of the Michigan Compiled Laws.
- (C) "Screening" means the overall procedure which employs number of tests designed to determine whether or not an individual is at risk of hearing loss.
- (D) "Test" means an individual specific procedure used to determine whether or not an individual is at risk of hearing loss.

(2) Unless the context requires otherwise, words or phrases used in these rules shall have the meanings ascribed to them in the code.

History: 1979 ACS 6, Eff. May 8, 1981.

R 325.3272 Hearing screening.

Rule 2. (1) Hearing screening for children who are 3 years old or older shall include audiometric tests.

(2) The procedures used in hearing screening shall be approved by the department.

History: 1979 ACS 6, Eff. May 8, 1981.

R 325.3273 Administration of hearing screening and tests by properly trained and qualified individuals is required.

Rule 3. Public health hearing screening ~~and hearing~~ tests shall be given by individuals trained and qualified to properly administer the screening tests. Their training and qualifications shall be approved by the department.

History: 1979 ACS 6, Eff. May 8, 1981.

R 325.3274 Frequency of screening.

Rule 4. (1) Hearing screening of preschool children shall be done at least once during the ages of 3 to 5 years.

(2) Hearing screening of school-age children shall be done at least in grades K, 2, 4, ~~and 6~~, or screening shall be done at least biennially starting at age 5 and continuing at least to age ~~12~~ **10 years**.

History: 1979 ACS 6, Eff. May 8, 1981.

R 325.3275 Follow-up notices.

Rule 5. The statement required by section 9305 of the code shall be a written statement that an ear examination by a physician is required. The statement shall be given or sent to the parent or guardian of the child.

History: 1979 ACS 6, Eff. May 8, 1981.

R 325.3276 Reporting results of hearing screening.

Rule 6. Local health departments shall report to the department the status of hearing screening within their jurisdiction. The reports shall be made on forms provided by the department.

History: 1979 ACS 6, Eff. May 8, 1981.

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**NOTICE OF PUBLIC HEARING**

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**ORR # 2003-025**

**DEPARTMENT OF COMMUNITY HEALTH**

**HEALTH PROGRAMS ADMINISTRATION**

**BUREAU OF CHILDREN AND FAMILY PROGRAMS**

**HEARING SCREENING OF PRESCHOOL AND SCHOOL-AGE CHILDREN**

Pursuant to Section 41(2) of Public Act 306 of 1969, as amended, the Department of Community Health will hold a hearing on proposed community health rules on:

**Date:** October 23, 2003

**Location:** Michigan Department of Community Health  
Baker-Olin West Building – Conference Room C  
3423 N. Martin Luther King Jr. Boulevard  
Lansing, Michigan

**Time:** 10:30 a.m

**The Proposed Rules Cover:**

- X R325.3274(2): Current rules require hearing screening in grades K, 2, 4 and 6. The proposed rule change would eliminate screening in the 6<sup>th</sup> grade.

Written comments will be accepted through October 20, 2003. Please send to the Michigan Department of Community Health, attention: Mary Greco, Legal Affairs Coordinator, at the address below.

The hearing location is handicapper accessible and interpreters will be available for the hearing impaired, **if requested, seven days in advance.**

These rules take effect 15 days after filing with the Secretary of State.

Michigan Department of Community Health  
Janet Olszewski, Director  
320 S. Walnut – 6<sup>th</sup> Floor  
Lansing, Michigan 48913

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2003-026**

**DEPARTMENT OF COMMUNITY HEALTH**

**OFFICE OF THE STATE REGISTRAR**

**CANCER REPORTING**

Filed with the Secretary of State on  
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the department of community health by section 2619 of 1978 PA 368, MCL 333.2619)

R 333.2619 Registry.

Rule 2619.(1) The department shall establish a registry to record cases of cancer and other specified tumorous and precancerous diseases that occur in the state. The registry shall include information concerning these cases as the department considers necessary and appropriate to conduct epidemiologic surveys of cancer and cancer-related diseases in the state.

**(2) Each diagnosed case of cancer and other specified tumorous and precancerous diseases shall be reported to the department pursuant to subrule (4) of this rule, or reported to a cancer reporting registry if the cancer reporting registry meets standards established pursuant to subrule (4) of this rule to ensure the accuracy and completeness of the reported information. A person or facility required to report a diagnosis pursuant to subrule (4) of this rule may elect to report the diagnosis to the state through an existing cancer registry only if the registry meets minimum reporting standards established by the department.**

**(3) The department shall maintain comprehensive records of all reports submitted pursuant to this rule. These reports shall be subject to the same requirements of confidentiality as provided in section 2631 of 1978 PA 368, MCL 333.2619 for data or records concerning medical research projects.**

**(4) The director shall provide for all of the following:**

**(a) A list of tumorous and precancerous disease other than cancer to be reported pursuant to subrule (2) of this rule.**

(b) The quality and manner in which the cases and other information described in subrule (1) of this rule are reported to the department.

(c) The terms and conditions under which records disclosing the name and medical condition of a specific individual and kept pursuant to this rule are released by the department.

(5) This rule does not require an individual to submit to medical or department examination or supervision.

(6) The department may contract for the collection and analysis of, and research related to, the epidemiologic data required by this rule.

(7) Within 2 years after the effective date of these rules, the department shall begin evaluating the reports collected pursuant to subrule (2) of this rule. The department shall publish and make available to

the public reports summarizing the information collected. The first summary report shall be published not later than 180 days after the end of the first 2 full calendar years after the effective date of this rule. Subsequent annual summary reports shall be made on a full calendar year basis and published not later than 180 days after the end of each calendar year.

(8) Reporting pursuant to subrule (2) of this rule shall begin the next calendar year after the effective date of this rule.

**R 325.9051 Definitions.**

Rule 9051. (1) As used in these rules:

(a) **“PRIMARY BRAIN-RELATED TUMOR” MEANS A PRIMARY TUMOR, WHETHER MALIGNANT OR BENIGN, OF THE BRAIN, MENINGES, SPINAL CORD, CAUDA EQUINA, A CRANIAL NERVE OR NERVES, OR ANY PART OF THE CENTRAL NERVOUS SYSTEM OR OF THE PITUITARY GLAND, PINEAL GLAND, OR CRANIOPHARYNGEAL GLAND.**

~~(a)~~ (b) **“Cancer” means all diagnosis with a behavior code of 2 (carcinoma in situ) or 3 (malignant primary site) as listed in the publication entitled “International Classification of Diseases for Oncology,” 1976, excluding basal, epithelial, papillary, and squamous cell carcinomas of the skin, but including carcinomas of skin of the vagina, prepuce, clitoris, vulva, labia, penis, and scrotum.**

~~(b)~~ (c) **“Department” means the department of community health.**

(2) The terms “clinical laboratory” and “hospital,” as defined in sections 20104 and 20106, respectively, of 1978 PA 368 and MCL 333.20106 have the same meanings when used in these rules.

**R 325.9052 Reportable diagnoses.**

Rule 9052. (1) **Cancer diagnoses, DIAGNOSES OF BENIGN BRAIN-RELATED TUMORS AND ANY TUMOROUS AND PRECANCEROUS DISEASES OTHERWISE REQUIRED TO BE REPORTED BY STATE OR FEDERAL LAW shall be reported to the department in a manner consistent with these rules and procedures issued by the department.**

(2) Diagnoses shall be reported by all hospitals and clinical laboratories.

(3) A hospital or clinical laboratory may elect to report cases through a hospital or regional cancer registry that meets the rules set by the department.

(4) Reports shall be submitted within 180 days of a diagnosis on a form prescribed or approved by the department, except for reports forwarded on electronic media.

(5) Reports submitted on electronic media shall meet data quality, format, and timeliness standards prescribed by the department.



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**NOTICE OF PUBLIC HEARING**

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**ORR # 2003-026**

**DEPARTMENT OF COMMUNITY HEALTH**

**OFFICE OF THE STATE REGISTRAR**

**CANCER REPORTING**

Pursuant to Section 41(2) of Public Act 306 of 1969, as amended, the Department of Community Health will hold a hearing on proposed community health rules on:

<b>Date:</b> October 23, 2003	<b>Location:</b> Michigan Department of Community Health
<b>Time:</b> 1:00 p.m	Baker-Olin West Building – Conference Room C
	3423 N. Martin Luther King Jr. Boulevard
	Lansing, Michigan

**The Proposed Rules Cover:**

- X R325.9051: This rule would establish tumor reporting requirements in Michigan that match those just established for the National Program of Cancer Registries within the Centers for Disease Control and Prevention.

Written comments will be accepted through October 20, 2003. Please send to the Michigan Department of Community Health, attention: Mary Greco, Legal Affairs Coordinator, at the address below.

The hearing location is handicapper accessible and interpreters will be available for the hearing impaired, **if requested, seven days in advance.**

These rules take effect 15 days after filing with the Secretary of State.

Michigan Department of Community Health  
Janet Olszewski, Director  
320 S. Walnut – 6<sup>th</sup> Floor  
Lansing, Michigan 48913

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2003-031**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**BUREAU OF WORKERS' DISABILITY COMPENSATION**

**WORKER'S COMPENSATION HEALTH CARE SERVICES**

Filed with the Secretary of State on  
These rules take effect on January 15, 2004

(By authority conferred on the bureau of worker's disability compensation by sections 205 and 315 of 1969 PA 317, section 33 of 1969 PA 306, Executive Reorganization Order No. 1982-2, Executive Reorganization Order No. 1986-3, and Executive Reorganization Order No. 1990-1, MCL 418.205, 418.315, 24.233, 18.24, 418.1, and 418.2)

R 418.10106, R 418.10107, R 418.10109, R 418.10202, R 418.10214, R 418.10901, R 418.101002, R 418.101017, R 418.101022, R 418.101101 and R 418.101504 of the Administrative code are amended.

**R 418.10106 Procedure codes; relative value units; and other billing information.**

Rule 106. (1) Upon annual promulgation of R 418.10107, the health care services division of the bureau shall publish a manual separate from these rules containing all of the following information:

- (a) All CPT® procedure codes used for billing health care services.
- (b) Medicine, surgery, and radiology procedures and their associated relative value units.
- (c) Hospital maximum payment ratios.
- (d) Billing forms and instruction for completion.

(2) The procedure codes and standard billing **and coding** instructions for medicine, surgery, and radiology services shall be adopted from the most recent publication entitled "Physicians' Current Procedural Terminology, (CPT®)" as adopted by reference in R 418.10107. **However, billing and coding guidelines published in "Physicians' Current Terminology, (CPT®)" do not guarantee reimbursement. A carrier shall only reimburse medical procedures for a work-related injury or illness that are reasonable and necessary and are consistent with accepted medical standards.**

(3) The formula and methodology for determining the relative value units shall be adopted from the "Medicare RBRVS Fee Schedule" as adopted by reference in R 418.10107 using geographical information for Michigan. The geographical information, (GPCI), for these rules is a melded average using 60% of the figures published for Detroit added to 40% of the figures published for the rest of the state.

(4) The maximum allowable payment for medicine, surgery, and radiology services shall be determined by multiplying the relative value unit assigned to the procedure times the conversion factor listed in the reimbursement section, part 10 of these rules.

(5) Procedure codes from "Medicare's National Level II Codes HCPCS" as adopted by reference in 418.10107 shall be used to describe all of the following services:

- (a) Ambulance services.
- (b) Medical and surgical expendable supplies.
- (c) Dental procedures.
- (d) Durable medical equipment.
- (e) Vision and hearing services.
- (f) Home health services.

(6) **Both of** ~~the~~ the following medical services shall be considered “By Report” (BR):

- (a) All ancillary services listed in “Medicare’s National Level II CODES HCPCS”, referenced in R 418.10106.
- (b) All CPT® procedure codes that do not have an assigned relative value.

**R 418.10107 Source documents; adoption by reference.**

Rule 107. The following documents are adopted by reference in these rules and are available for inspection at, or purchase from, the bureau of workers' and unemployment compensation, health care services division, P.O. Box 30016, Lansing, Michigan 48909, at the costs listed or from the organizations listed:

(a) "Physicians' Current Procedural Terminology (CPT®) 2003~~4~~," standard edition, copyright October 200~~23~~, published by the American Medical Association, PO Box 930876, Atlanta GA, 31193-0876, order # ~~OP054103BTF~~ **OP0541048BZA** ISBN: 1-57947-420-9, 1-800-621-8335. The publication may be purchased at a cost of ~~\$54.95~~ **\$57.95** plus \$9.95 for shipping and handling as of the time of adoption of these rules. Permission to use this publication is on file in the bureau.

(b) "Medicare's National Level II Codes, HCPCS, 2003~~4~~," copyright November 200~~23~~, published by the American Medical Association, P.O. Box 930876 Atlanta GA 31193-0876, order # ~~OP095103BTF~~ **OP095104BZA** ISBN: 1-57947-454-3, customer service 1-800-621-8335. The publication may be purchased at a cost of \$84.95, plus \$11.95 for shipping and handling as of the time of adoption of these rules.

(c) “Medicare RBRVS 200~~23~~: The Physicians’ Guide,” published by The American Medical Association, 515 North State Street, Chicago IL, 60610, order # ~~OPO59602BLC3~~, 1-800-621-8335. The publication may be purchased at a cost of ~~\$749.95~~, plus ~~\$8~~ **\$11.95** shipping and handling as of the time of adoption of these rules.

(d) “Medicare RBRVS 200~~34~~: The Physicians’ Guide,” published by the American Medical Association, 515 North State Street, Chicago IL, 60610, 1-800-621-8335. The publication may be purchased at a cost of \$79.95, plus \$11.95 shipping and handling as of the time of adoption of these rules

(e) "International Classification of Diseases, ICD-9-CM 200~~34~~ **Volumes 1 & 2**" copyright 200~~23~~, American Medical Association, P.O. Box 930876, Atlanta GA 31193-0876, order # ~~OP065103BTF~~ **4BZA**, 1-800-621-8335. The publication may be purchased at a cost of \$84.95, plus \$11.95 shipping and handling as of the time of adoption of these rules.

(f) "200~~23~~ Drug Topics Red Book," published by Medical Economics Company Inc., Five Paragon Drive, Montvale, NJ 07645-1742, 1-800-678-5689. The publication may be purchased at a cost of ~~\$6472.95~~, plus ~~\$79.95~~ for shipping and handling as of the time of adoption of these rules.

(g) "Michigan Uniform Billing Manual," developed in cooperation with the American Hospital Association's National Uniform Billing Committee, published by Michigan Health and Hospital Association, **Attn: UB-92 Subscriptions**, 6215 West St. Joseph Highway, Lansing, MI 48917, 517-886-8366. As of the time of adoption of these rules, the cost of the publication is \$160.00, plus 6% sales tax.

(h) “Relative Value Guide: A Guide For Anesthesia Values 200~~23~~,” published by the American Society of Anesthesiologists, 520 N Northwest Highway, Park Ridge, IL 60068-2573, 1-847-825-5586. As of the time of adoption of these rules, the cost of the publication, including shipping is \$15.00.

**R 418.10109 Definitions; M to U.**

Rule 109. As used in these rules:

- (a) “Maximum allowable payment” means the maximum fee for a procedure that is established by these rules, a reasonable amount for a “by report” procedure, or a provider’s usual and customary charge, whichever is less.
- (b) “Medical only case” means a case that does not involve wage loss compensation.
- (c) “Medical rehabilitation” means, to the extent possible, the interruption, control, correction, or amelioration of a medical or a physical problem that causes incapacity through the use of appropriate treatment disciplines and modalities that are designed to achieve the highest possible level of post-injury function and a return to gainful employment.
- (d) “Medically accepted standards” means a measure which is set by a competent authority as the rule for evaluating quantity or quality of health care or health care services ensuring that the health care is suitable for a particular person, condition, occasion, or place.
- (e) “Morbidity” means the extent of illness, injury, or disability.
- (f) “Mortality” means the likelihood of death.
- (g) “New Patient” means a patient who is new to the provider for a particular covered injury or illness and who needs to have medical and administrative records established.
- (h) “Nursing home” means a nursing care facility, including a county medical care facility, created pursuant to the provisions of ~~Act No. 152 of the Public Acts of 1885, as amended, being 1885 PA 152, §36.1 et seq. MCL of the Michigan Compiled Laws.~~
- (i) “Orthotic equipment” means an orthopedic apparatus that is designed to support, align, prevent or correct deformities of, or improve the function of, a movable body part.
- (j) “Pharmacy” means the place where the science, art, and practice of preparing, preserving, compounding, dispensing, and giving appropriate instruction in the use of drugs is practiced.
- (k) “Practitioner” means an individual who is licensed, registered, or certified as defined in the Michigan public health code, ~~Act 368 of 1978~~**1978 PA 368**, (Articles 1, 7, 15, 19, and Excerpts from Article 5) as amended.
- (l) “Primary procedure” means the therapeutic procedure that is most closely related to the principal diagnosis.
- (m) “Properly submitted bill” means a request by a provider for payment of health care services which is submitted to a carrier on the appropriate completed claim form with attachments as required by these rules.
- (n) “Prosthesis” means an artificial substitute for a missing body part. A prosthesis is constructed by a “prosthetist”, a person who is skilled in the construction and application of a prosthesis.
- (o) “Provider” means a facility, health care organization, or a practitioner.
- (p) “Reasonable amount” means a payment based upon the amount generally paid in the state for a particular procedure code using data available from the provider, the carrier, or the bureau of workers’ disability compensation, health care services division.
- (q) “Restorative” means that the patient’s function will demonstrate measurable improvement in a reasonable and generally predictable period of time and includes appropriate periodic care to maintain the level of function.
- (r) “Secondary procedure” means a surgical procedure which is performed to ameliorate conditions that are found to exist during the performance of a primary surgery and which is considered an independent procedure that may not be performed as a part of the primary surgery or for the existing condition.

(s) “Specialist” means any of the following entities who is board-certified, board-eligible, or otherwise considered an expert in a particular field of health care by virtue of education, training, and experience generally accepted in that particular field:

(i) A doctor of chiropractic.

(ii) A doctor of dental surgery.

(iii) A doctor of medicine.

(iv) A doctor of optometry.

(v) A doctor of osteopathic medicine and surgery.

(vi) A doctor of podiatric medicine and surgery.

(t) “Subrogation” means substituting one creditor for another. An example of subrogation in workers’ compensation is when a case is determined to be workers’ compensation and the health benefits plan has already paid for the service and is requesting the workers’ compensation carrier or the provider to refund the money that the plan paid on behalf of the worker.

(u) “Technical surgical” assist ~~denotes~~ **means that additional payment for an assistant surgeon, referenced in R 418.10416 of these rules, is allowed for certain designated these surgical procedures where payment for an assistant is allowed in addition to the primary surgeon. The Health Care Services Manual, published annually by the bureau, denotes a surgical pProcedure codes-allowing** payment for the **assistant technical surgical** ~~on assistare denoted by with the letter a “T.”~~

(v) “Treatment plan” means a plan of care for restorative physical treatment services that indicates the diagnosis and anticipated goals.

(w) “Usual and customary charge” means a particular provider’s average charge for a procedure to all payment sources, and includes itemized charges which were previously billed separately and which are included in the package for that procedure as defined by these rules. A usual and customary charge for a procedure shall be calculated based on data beginning January 1, ~~1995~~ **2000**.

#### **R 418.10202 Evaluation and management services.**

Rule 202. (1) Procedure code 97010 performed in conjunction with an evaluation and management office visit shall not be reimbursed as a separate procedure.

(2) Minor medical and surgical supplies routinely used by the practitioner or health care organization in the office visit shall not be billed separately.

(3) Supplies, or other services, over and above those usually incidental to an office visit or other outpatient visit for the evaluation and management of a patient shall be billed separately under procedure code 99070.

(4) If an office visit is performed outside of the provider’s normal business hours, the provider may bill the add on procedure codes describing an office visit performed after hours or on Sundays or holidays. A provider may bill add on procedure code 99050 in addition to the evaluation and management service, if a service is rendered between the hours of 6:00 p.m. and 7:00 a.m., Monday through Saturday. A provider may bill add on procedure code 99054 if a service is rendered on Sundays or holidays until 7:00 a.m. of the following regular working day.

(5) A procedure that is normally part of an examination or evaluation shall not be billed independently. Range of motion shall not be reimbursed as a separate procedure in addition to the evaluation and management service unless the procedure is medically necessary and appropriate for the injured worker’s condition and diagnosis.

(6) The maximum allowable payment for the evaluation and management service shall be determined by multiplying the relative value unit, RVU, assigned to the procedure code, times the conversion factor listed in the reimbursement section of these rules.

(7) The level of an office visit or other outpatient visit for the evaluation and management of a patient is not guaranteed and may change from session to session. The level of service shall be consistent with the type of presenting complaint and supported by documentation in the record.

(8) Procedure codes 99455 and 99456 describing work-related or medical disability evaluation services shall not be used to describe an evaluation and management service for treating a work-related injury or illness. Procedure codes 99201-99350 shall be used to describe the practitioner's medical treatment of an injured worker.

(9) The carrier shall not reimburse the provider for procedure codes 90782-90799, administration of therapeutic injections, if billed in conjunction with an evaluation and management service. The medication administered in the therapeutic injection shall be billed using procedure code 99070 and shall be identified with the national drug code number. The provider shall be reimbursed at the average wholesale price of the drug. If the provider does not bill an evaluation and management service, then the appropriate procedure code describing the administration of the drug may be billed. The administered drug is billed additionally and is payable at the average wholesale price of the drug.

(10) The provider may bill immunization procedure codes in addition to the evaluation and management procedure code. If the provider bills an immunization, then the vaccine is described with procedure codes 90476-90748, and the administration of the vaccine is described with procedure code 90471 or 90472. The carrier shall reimburse the vaccine at the average wholesale price of the vaccine plus the cost of administration billed with procedure codes 90471 or 90472. **Procedure code 90471 is reimbursed at \$5.00 and procedure code 90472 is reimbursed at \$7.50.**

**(11) Procedure code 76140, x-ray consultation, shall not be paid to the provider in addition to the evaluation and management service, to review x-rays taken elsewhere. The carrier shall not pay for review of an x-ray by a practitioner other than the radiologist providing the written report or the practitioner performing the complete radiology procedure.**

#### **R 418.10214 Orthotic and prosthetic equipment.**

Rule 214. (1) A copy of a prescription by one of the following is required for prosthetic and orthotic equipment:

- (a) A doctor of medicine.
  - (b) A doctor of osteopathic medicine and surgery.
  - (c) A doctor of chiropractic.
  - (d) A doctor of podiatric medicine and surgery.
- (2) Orthotic equipment may be any of the following:

- (a) Custom-fit.
- (b) Custom-fabricated.
- (c) Non-custom supply that is prefabricated or off-the-shelf.

(3) A non-custom supply shall be billed using procedure code 99070 or A4570 for a prefabricated splint.

(4) A board-certified orthotist or prosthetist who is certified by the American board for certification in orthotics and prosthetics, incorporated shall bill orthoses and prostheses that are custom-fabricated, molded to the patient, or molded to a patient model. In addition, a doctor of podiatric medicine and surgery may bill for a custom-fabricated or custom-fit, or molded patient model foot orthosis using procedure codes L3000-L3649.

(5) L-code procedures shall include fitting and adjustment of the equipment.

(6) Maximum allowable payments for L-code procedures are listed in ~~Table 4510-C~~ **R 418.101504**. If an L-code procedure does not have an assigned maximum allowable payment, then the procedure shall be by report, "BR."

(7) A provider may not bill more than 4 dynamic prosthetic test sockets without documentation of medical necessity. If the physician's prescription or medical condition requires utilization of more than 4 test sockets, then a report shall be included with the bill that outlines a detailed description of the medical condition or circumstances that necessitate each additional test socket provided.

**R 418.10901 General Information.**

Rule 901. (1) All health care practitioners and health care organizations, as defined in these rules, shall submit charges on the proper claim form as specified in this rule. Copies of the claim forms and instruction for completion for each form shall be published separate from these rules in a manual distributed by the health care services division of the bureau. Charges shall be submitted as follows:

- (a) A practitioner shall submit charges on the HCFA 1500 claim form.
  - (b) A doctor of dentistry shall submit charges on a standard dental claim form approved by the American dental association.
  - (c) A pharmacy, other than an inpatient hospital, shall submit charges on an invoice or a pharmacy universal claim form.
  - (d) A hospital-owned occupational, industrial clinic, or office practice shall submit charges on the HCFA 1500 claim form.
  - (e) A hospital billing for a practitioner service shall submit charges on a HCFA 1500 claim form.
  - (f) Ancillary service charges shall be submitted on the HCFA 1500 claim form for durable medical equipment and supplies, L-code procedures, ambulance, vision, and hearing services. Charges for home health services shall be submitted on the UB-92 claim form.
  - (g) A shoe supplier or wig supplier shall submit charges on an invoice.
- (2) A provider shall submit all bills to the carrier within 1 year of the date of service for consideration of payment, except in cases of litigation or subrogation.
- (3) A properly submitted bill shall include all ~~Of~~ of the following appropriate documentation:
- (a) A copy of the medical report for the initial visit.
  - (b) An updated progress report if treatment exceeds 60 days.
  - (c) A copy of the initial evaluation and a progress report every 30 days of physical treatment, physical or occupational therapy, or manipulation services.
  - (d) A copy of the operative report or office report if billing surgical procedure codes 10040-69990.
  - (e) A copy of the anesthesia record if billing anesthesia codes 00100-01999.
  - (f) A copy of the radiology report if submitting a bill for a radiology service accompanied by modifier - 26. **The carrier shall only reimburse the radiologist for the written report, or professional component, upon receipt of a bill for the radiology procedure.**
  - (g) A report describing the service if submitting a bill for a "by report" procedure.
  - (h) A copy of the medical report if a modifier is applied to a procedure code to explain unusual billing circumstances.

**R 418.101002 Conversion factors for medical, surgical, and radiology procedure codes.**

Rule 1002. (1) The bureau shall determine the conversion factors for medical, surgical, and radiology procedures. The conversion factor shall be used by the bureau for determining the maximum allowable payment for medical, surgical, and radiology procedures. The maximum allowable payment shall be determined by multiplying the appropriate conversion factor times the relative value unit assigned to a procedure. The relative value units are listed for the medicine, surgical, and radiology procedure codes in a manual separate from these rules. The manual shall be published annually by the bureau using codes adopted from "Physicians' Current Procedural Terminology (CPT®)" as referenced in

R 418.10107(a). The Bureau shall determine the relative values by using information found in the “Medicare RBRVS: The Physicians’ Guide” as adopted by reference in R 418.10107(c).

(2) The conversion factor for medicine, radiology, and surgical procedures shall be \$47.0477 for the year 20034 and shall be effective for dates of service on or after the effective date of these rules.

**R 418.101017 Reimbursement for outpatient minor medical-surgical procedures performed in the outpatient hospital setting when billed on the UB-92.**

Rule 1017. (1) Reimbursement for services listed on Table 109242 shall be made as follows:

(a) If the service occurs in the first 10 days of care beginning for a work injury, then the hospital shall be reimbursed by the ratio methodology.

(b) If the service occurs after the first 10 days, then the carrier shall reimburse the facility 60% of the maximum allowable payment for medical and surgical procedures and the technical component for radiology procedures.

(2) This rule shall not apply to services performed in a hospital-owned or hospital-system owned occupational or industrial clinic, as those services shall be considered practitioner services and shall be billed and paid as a practitioner service.

**R 418.101101 Calculation and revision of payment ratio for Michigan hospitals.**

Rule 1101. (1) The bureau shall annually calculate and revise, under the provisions of ~~Act No. 306 of the Public Acts of 1969, as amended, being §1969 PA 306, 24.201 et seq. MCL, of the Michigan Compiled Laws,~~ the payment ratios for all Michigan hospitals. The calculation shall be made using a hospital’s most recent fiscal year information that is submitted to the Michigan department of community health, medical services administration, preceding each annual calculation. The information used shall be that reported to the Michigan department of community health, medical services administration, on the hospital’s statement of patient revenues and operating expenses, G2 worksheet. The bureau shall complete the payment ratio calculation between September 1 and October 1, **or the earliest date when the figures are available from Michigan department of community health and shall annually publish the hospital ratio calculations in a separate manual effective for dates of service on or after the effective date of these rules.**

(2) The bureau shall calculate a hospital’s cost-to-charge ratio by dividing each hospital’s total operating expenses by total patient revenues as reported on the hospital’s statement of patient revenues and operating expenses, G2 worksheet.

**R 418.101504 Orthotic and prosthetic codes and maximum allowable payments.**

Rule 1504. The orthotic and prosthetic codes, the L-code procedures that have set fees are listed in this rule. All other L-code procedures shall be listed in Medicare’s National Level II, HCPCS as adopted by reference in R 418.10107 and shall be reimbursed as a by report procedure. The maximum allowable fees for the L-code procedures are listed in the table in this rule:

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L0120	cervical, flexible, nonadjustable (foam collar)	\$17.29
L0130	cervical, flexible, thermoplastic collar, molded to patient	\$117.02
L0140	cervical, semi-rigid, adjustable (plastic collar)	\$42.00
L0150	cervical, semi-rigid, adjustable molded chin cup	\$74.60
L0160	cervical, semi-rigid, wire frame occipital/mandibular support	\$119.82



Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L0170	cervical collar, molded to patient model	\$796.31
L0172	cervical collar, semi-rigid, thermoplastic foam, two-piece	\$110.00
L0174	cervical collar, semi-rigid, thermoplastic foam, two-piece with	\$194.07
L0180	cervical, multiple post collar, occipital/mandibular supports,	\$314.44
L0190	cervical, multiple post collar, occipital/mandibular supports,	\$407.89
L0200	cervical, multiple post collar, occipital/mandibular supports,	\$430.12
L0210	thoracic rib belt, custom fitted	\$28.85
L0220	thoracic rib belt, custom fabricated	\$90.00
L0300	tlso, flexible (dorso-lumbar surgical support), custom fitted	\$124.59
L0310	tlso, flexible (dorso-lumbar surgical support), custom fabrica	\$242.46
L0315	tlso, flexible (dorso-lumbar surgical support), elastic type,	\$213.27
L0317	tlso, flexible (dorso-lumbar surgical support), hyperextension,	\$255.89
L0320	tlso, anterior-posterior control (taylor type), with apron	\$336.00
L0330	tlso, anterior-posterior-lateral control (knight-taylor type)	\$476.12
L0340	tlso, anterior-posterior-lateral rotary control (arnold,	\$567.22
L0350	tlso, ant.-posterior-lateral rotary control, flexion-e	\$696.40
L0360	tlso, anterior-posterior-lateral rotary control, flexion	\$1,551.72
L0370	tlso, ant.-posterior-lateral rotary control, hyperextension	\$349.60
L0380	tlso, anterior-posterior-lateral rotary control, with	\$614.95
L0390	tlso, anterior-posterior-lateral control molded to patient	\$1,400.30
L0400	tlso, ant.-posterior-lateral control molded to patient model,	\$1,498.32
L0410	tlso, ant.-posterior-lateral control, two-piece construction,	\$1,626.40
L0420	tlso, anterior-posterior-lateral control, two-piece	\$1,886.09
L0430	tlso, anterior-posterior-lateral control, with interface	\$1,062.50
L0440	tlso, ant.-posterior-lateral control, with overlapping front	\$899.60
L0500	lso, flexible (lumbo-sacral surgical support), custom fitted	\$99.00
L0510	lso, flexible (lumbo-sacral surgical support), custom	\$214.00
L0515	lso, flexible (lumbo-sacral surgical support), elastic type, w/	\$176.00
L0520	lso, anterior-posterior-lateral control (knight, wilcox types),	\$358.03
L0530	lso, anterior-posterior control (macausland type), with apron	\$359.95
L0540	lso, lumbar flexion (williams flexion type)	\$387.68
L0550	lso, anterior-posterior-lateral control, molded to patient	\$1,273.00
L0560	lso, ant.-posterior-lateral control, molded to patient model,	\$1,590.56
L0565	lso, anterior-posterior-lateral control, custom fitted	\$902.84
L0600	sacroiliac, flexible (sacroiliac surgical support), custom	\$60.09
L0610	sacroiliac, flexible (sacroiliac surgical support), custom	\$224.46
L0620	sacroiliac, semi-rigid, (goldthwaite, osgood types), with apron	\$367.86
L0700	ctlso, ant.-posterior-lateral control, molded to patient model,	\$1,779.93
L0710	ctlso, anterior-posterior-lateral-control, molded to patient	\$1,882.90
L0810	halo procedure, cervical halo incorporated into jacket vest	\$2,371.87
L0820	halo procedure, cervical halo incorporated into plaster body	\$1,876.79

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L0830	halo procedure, cervical halo incorporated into milwaukee type	\$2,829.65
L0860	addition to halo procedure, magnetic resonance image compatible	\$960.00
<del>L0900</del>	<del>torso support, ptosis support, custom fitted</del>	<del>\$104.34</del>
<del>L0910</del>	<del>torso support, ptosis support, custom fabricated</del>	<del>\$302.09</del>
<del>L0920</del>	<del>torso support, pendulous abdomen support, custom fitted</del>	<del>\$110.60</del>
<del>L0930</del>	<del>torso support, pendulous abdomen support, custom fabricated</del>	<del>\$328.72</del>
<del>L0940</del>	<del>torso support, postsurgical support, custom fitted</del>	<del>\$103.04</del>
<del>L0950</del>	<del>torso support, postsurgical support, custom fabricated</del>	<del>\$299.10</del>
L0960	torso support, postsurgical support, pads for postsurgical	\$60.01
L0970	tlso, corset front	\$99.30
L0972	lso, corset front	\$89.42
L0974	tlso, full corset	\$155.56
L0976	lso, full corset	\$138.95
L0978	axillary crutch extension	\$167.24
L0980	peroneal straps, pair	\$15.17
L0982	stocking supporter grips, set of four (4)	\$14.15
L0984	protective body sock, each	\$47.18
L1000	ctlso, inclusive of furnishing initial orthosis, including	\$1,763.98
L1010	addition to ctlso or scoliosis orthosis, axilla sling	\$58.31
L1020	addition to ctlso or scoliosis orthosis, kyphosis pad	\$75.11
L1025	addition to ctlso or scoliosis orthosis, kyphosis pad, floating	\$108.35
L1030	addition to ctlso or scoliosis orthosis, lumbar bolster pad	\$55.27
L1040	addition to ctlso or scoliosis orthosis, lumbar or lumbar rib	\$67.79
L1050	addition to ctlso or scoliosis orthosis, sternal pad	\$72.34
L1060	addition to ctlso or scoliosis orthosis, thoracic pad	\$83.09
L1070	addition to ctlso or scoliosis orthosis, trapezius sling	\$78.18
L1080	addition to ctlso or scoliosis orthosis, outrigger	\$48.08
L1085	addition to ctlso or scoliosis orthosis, outrigger, bilateral	\$133.74
L1090	addition to ctlso or scoliosis orthosis, lumbar sling	\$79.64
L1100	addition to ctlso or scoliosis orthosis, ring flange, plastic	\$138.17
L1110	addition to ctlso or scoliosis orthosis, ring flange, plastic	\$221.90
L1120	addition to ctlso, scoliosis orthosis, cover for upright, each	\$34.51
L1200	tlso, inclusive of furnishing initial orthosis only	\$1,424.25
L1210	addition to tlso (low profile), lateral thoracic extension	\$227.34
L1220	addition to tlso (low profile), anterior thoracic extension	\$192.48
L1230	addition to tlso (low profile), milwaukee type superstructure	\$493.91
L1240	addition to tlso (low profile), lumbar derotation pad	\$67.46
L1250	addition to tlso (low profile), anterior asis pad	\$62.77
L1260	addition to tlso (low profile), anterior thoracic derotation	\$65.74
L1270	addition to tlso (low profile), abdominal pad	\$67.32
L1280	addition to tlso (low profile), rib gusset (elastic), each	\$74.95

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L1290	addition to tloso (low profile), lateral trochanteric pad	\$68.29
L1300	other scoliosis procedure, body jacket molded to patient model	\$1,451.36
L1310	other scoliosis procedure, postoperative body jacket	\$1,493.46
L1499	spinal orthosis, not otherwise classisfied	BR
L1500	thkao, mobility frame (newington, parapodium types)	\$1,650.36
L1510	thkao, standing frame	\$828.93
L1520	thkao, swivel walker	\$1,486.64
L1685	ho, abduction control of hip joint, postop. Hip abduction	\$1,033.49
L1686	ho, abduction control of hip joint, postop. Hip abduction type,	\$653.04
L1800	ko, elastic with stays, prefabricated, includes fitting and	\$43.34
L1810	ko, elastic with joints, prefabricated, includes fitting and	\$81.00
L1815	ko, elastic or other elastic type material with condylar pad(s)	\$63.13
L1820	ko, elastic or other elastic type material with condylar pads	\$103.00
L1825	ko, elastic knee cap, prefabricated	\$35.83
L1830	ko, immobilizer, canvas longitudinal, prefabricated	\$57.01
L1832	ko, adjustable knee joints, positional orthosis, rigid support,	\$480.05
L1834	ko, without knee joint, rigid, custom fabricated	\$674.46
L1840	ko, derotation, medial-lateral, anterior cruciate ligament,	\$798.89
L1844	ko, single upright, thigh and calf, with adjustable flexion and	\$734.88
L1845	ko, double upright, thigh and calf, with adjustable flexion and	\$583.78
L1846	ko, double upright, thigh and calf, with adjustable flexion and	\$985.10
L1850	ko, swedish type, prefabricated	\$187.57
L1855	ko, molded plastic, thigh and calf sections, with double	\$954.77
L1858	ko, molded plastic, polycentric knee joints, pneumatic knee	\$1,221.93
L1860	ko, modification of supracondylar prosthetic socket, custom	\$1,383.48
L1870	ko, double upright, thigh and calf lacers, with knee joints,	\$909.28
L1880	ko, double upright, nonmolded thigh and calf cuffs/lacers with	\$550.82
L1900	afo, spring wire, dorsiflexion assist calf band, custom	\$234.40
L1902	afo, ankle gauntlet, prefabricated, includes fitting and	\$52.02
L1904	afo, molded ankle guantlet, custom fabricated	\$333.00
L1906	afo, multi-ligamentus ankle support, prefabricated	\$86.17
L1910	afo, posterior, single bar, clasp attachment to shoe counter,	\$174.27
L1920	afo, single upright with static or adjustable stop (phelps or	\$286.29
L1930	afo, plastic, prefabricated	\$175.57
L1940	afo, plastic, custom fabricated	\$429.68
L1945	afo, molded to patient model, plastic, rigid anterior tibial	\$1,145.70
L1950	afo, spiral, (irm type), plastic, custom fabricated	\$647.18
L1960	afo, posterior solid ankle, plastic, custom fabricated	\$530.36
L1970	afo, plastic, with ankle joint, custom fabricated	\$618.24
L1980	afo, single upright free plantar dorsiflexion, solid stirrup,	\$318.88
L1990	afo, double upright free plantar dorsiflexion, solid stirrup,	\$459.09

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L2000	kafo, single upright, free knee, free ankle, solid stirrup,	\$881.27
L2010	kafo, single upright, free ankle, solid stirrup, thigh and calf	\$803.35
L2020	kafo, double upright, free knee, free ankle, solid stirrup,	\$1,132.33
L2030	kafo, double upright, free ankle, solid stirrup, thigh and calf	\$880.19
L2036	kafo, full plastic, double upright, free knee, custom	\$2,022.35
L2037	kafo, full plastic, single upright, free knee, custom	\$1,447.16
L2038	kafo, full plastic, without knee joint, multiaxis ankle, custom	\$1,024.83
L2040	hkafo, torsion control, bilateral rotation straps, pelvic	\$154.26
L2050	hkafo, torsion control, bilateral torsion cables, hip joint,	\$413.88
L2060	hkafo, torsion control, bilateral torsion cables, ball bearing	\$504.44
L2070	hkafo, torsion control, unilateral rotation straps, pelvic	\$116.84
L2080	hkafo, torsion control, unilateral torsion cable, hip joint,	\$312.50
L2090	hkafo, torsion control, unilateral torsion cable, ball bearing	\$380.99
L2102	afo, fracture orthosis, tibial fracture cast orthosis, plaster	\$521.09
L2104	afo, fracture orthosis, tibial fracture cast orthosis,	\$619.81
L2106	afo, fracture orthosis, tibial fracture cast orthosis,	\$747.33
L2108	afo, fracture orthosis, tibial fracture cast orthosis, custom	\$1,170.03
L2112	afo, fracture orthosis, tibial fracture orthosis, soft,	\$304.03
L2114	afo, fracture orthosis, tibial fracture orthosis, semi-rigid,	\$440.38
L2116	afo, fracture orthosis, tibial fracture orthosis, rigid,	\$537.16
L2122	kafo, fracture orthosis, femoral fracture cast orthosis,	\$891.10
L2124	kafo, fracture orthosis, femoral fracture cast orthosis,	\$992.94
L2126	kafo, fracture orthosis, femoral fracture cast orthosis,	\$1,356.79
L2128	kafo, fracture orthosis, femoral fracture cast orthosis, custom	\$1,498.50
L2132	kafo, fracture orthosis, femoral fracture cast orthosis, soft,	\$525.66
L2134	kafo, fracture orthosis, femoral fracture cast orthosis, semi-	\$803.12
L2136	kafo, fracture orthosis, femoral fracture cast orthosis, rigid	\$878.87
L2180	addition to lower extremity fracture orthosis, plastic shoe	\$101.75
L2182	addition to lower extremity fracture orthosis, drop lock knee	\$79.63
L2184	addition to lower extremity fracture orthosis, limited motion	\$107.63
L2186	add. To lower extremity fracture orthosis, adjustable motion	\$130.80
L2188	addition to lower extremity fracture orthosis, quadrilateral	\$260.22
L2190	addition to lower extremity fracture orthosis, waist belt	\$59.45
L2192	addition to lower extremity fracture orthosis, hip joint,	\$309.80
L2200	addition to lower extremity, limited ankle motion, each joint	\$41.30
L2210	addition to lower extremity, dorsiflexion assist (plantar	\$58.40
L2220	add. To lower extremity, dorsiflexion and plantar flexion	\$71.16
L2230	addition to lower extremity, split flat caliper stirrups and	\$66.67
L2240	addition to lower extremity, round caliper and plate attachment	\$72.66
L2250	add. To lower extremity, foot plate, molded to patient model,	\$308.74
L2260	addition to lower extremity, reinforced solid stirrup (scott-	\$174.17

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L2265	addition to lower extremity, long tongue stirrup	\$102.31
L2270	addition to lower extremity, varus/valgus correction ("t")	\$46.67
L2275	add. To lower extremity, varus/valgus correction, plastic	\$103.91
L2280	addition to lower extremity, molded inner boot	\$393.43
L2300	addition to lower extremity, abduction bar (bilateral hip	\$233.93
L2310	addition to lower extremity, abduction bar, straight	\$106.88
L2320	addition to lower extremity, nonmolded lacer	\$178.76
L2330	addition to lower extremity, lacer molded to patient model	\$341.16
L2335	addition to lower extremity, anterior swing band	\$197.38
L2340	addition to lower extremity, pre-tibial shell, molded to	\$388.32
L2350	add. To lower extremity, prosthetic type, (bk) socket, molded	\$774.19
L2360	addition to lower extremity, extended steel shank	\$44.96
L2370	addition to lower extremity, patten bottom	\$223.04
L2375	addition to lower extremity, torsion control, ankle joint and	\$99.17
L2380	addition to lower extremity, torsion control, straight knee	\$106.97
L2385	addition to lower extremity, straight knee joint, heavy duty,	\$116.38
L2390	addition to lower extremity, offset knee joint, each joint	\$95.11
L2395	addition to lower extremity, offset knee joint, heavy duty,	\$101.95
L2397	addition to lower extremity orthosis, suspension sleeve	\$87.81
L2405	addition to knee joint, drop lock, each joint	\$44.22
L2415	addition to knee joint, cam lock (swiss, french, bail types),	\$159.56
L2425	addition to knee joint, disc or dial lock for adjustable knee	\$158.17
L2435	addition to knee joint, polycentric joint, each joint	\$143.80
L2492	addition to knee joint, lift loop for drop lock ring	\$88.60
L2500	add. To lower extremity, thigh/weight bearing, gluteal/ischial	\$274.10
L2510	addition to lower extremity, thigh/weight bearing, quadri-	\$631.12
L2520	add. To lower extremity, thigh/weight bearing, quadri-lateral	\$374.57
L2525	addition to lower extremity, thigh/weight bearing, ischial	\$873.78
L2526	addition to lower extremity, thigh/weight bearing, ischial	\$595.12
L2530	addition to lower extremity, thigh/weight bearing, lacer,	\$204.14
L2540	addition to lower extremity, thigh/weight bearing, lacer,	\$367.33
L2550	addition to lower extremity, thigh/weight bearing, high roll	\$249.53
L2570	addition to lower extremity, pelvic control, hip joint, clevis	\$413.84
L2580	addition to lower extremity, pelvic control, pelvic sling	\$403.24
L2600	addition to lower extremity, pelvic control, hip joint, clevis	\$178.44
L2610	addition to lower extremity, pelvic control, hip joint, clevis,	\$211.00
L2620	addition to lower extremity, pelvic control, hip joint, heavy-	\$232.31
L2622	addition to lower extremity, pelvic control, hip joint,	\$266.44
L2624	addition to lower extremity, pelvic control, hip joint,	\$287.71
L2627	addition to lower extremity, pelvic control, plastic, molded to	\$1,489.46
L2628	addition to lower extremity, pelvic control, metal frame,	\$1,455.67

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L2630	addition to lower extremity, pelvic control, band and belt,	\$215.15
L2640	addition to lower extremity, pelvic control, band and belt,	\$291.98
L2650	addition to lower extremity, pelvic and thoracic control,	\$104.27
L2660	addition to lower extremity, thoracic control, thoracic band	\$161.94
L2670	addition to lower extremity, thoracic control, paraspinal	\$148.21
L2680	addition to lower extremity, thoracic control, lateral support	\$135.96
L2750	addition to lower extremity orthosis, plating chrome or nickel,	\$72.62
L2760	addition to lower extremity orthosis, extension, per extension,	\$52.79
L2770	addition to lower extremity orthosis, any material, per bar or	\$53.64
L2780	addition to lower extremity orthosis, non-corrosive finish, per	\$58.80
L2785	addition to lower extremity orthosis, drop lock retainer, each	\$27.54
L2795	addition to lower extremity orthosis, knee control, full	\$57.13
L2800	addition to lower extremity orthosis, knee control, kneecap,	\$92.00
L2810	addition to lower extremity orthosis, knee control, condylar	\$67.86
L2820	addition to lower extremity orthosis, soft interface for molded	\$75.46
L2830	addition to lower extremity orthosis, soft interface for molded	\$81.62
L2840	addition to lower extremity orthosis, tibial length sock,	\$30.06
L2850	addition to lower extremity orthosis, femoral length sock,	\$42.15
L2999	unlisted procedures for lower extremity orthoses	BR
L3000	foot insert, removable, molded to patient model, "ucb" type,	\$170.00
L3001	foot insert, removable, molded to patient model, spenco, each	BR
L3002	foot insert, removable, molded to patient model, plastazote or	\$99.00
L3003	foot insert, removable, molded to patient model, silicone gel,	\$99.00
L3010	foot insert, removable, molded to patient model, longitudinal	\$135.00
L3020	foot insert, removable, molded to patient model,	\$99.00
L3030	foot insert, removable, formed to patient foot, each	BR
L3040	foot, arch support, removable, premolded, longitudinal, each	BR
L3050	foot, arch support, removable, premolded, metatarsal, each	BR
L3060	foot, arch support, removable, premolded,	BR
L3070	foot, arch support, nonremovable, attached to shoe,	BR
L3080	foot, arch support, nonremovable, attached to shoe, metatarsal,	BR
L3090	foot, arch support, nonremovable, attached to shoe, longitudin	BR
L3100	hallus-valgus night dynamic splint	BR
L3150	foot, abduction rotation bar, without shoes	BR
L3215	orthopedic footwear, woman's shoes, oxford	\$94.18
L3216	orthopedic footwear, woman's shoes, depth inlay	\$108.00
L3217	orthopedic footwear, woman's shoes, hightop, depth inlay	\$127.00
L3218	orthopedic footwear, woman's surgical boot, each	\$87.00
L3219	orthopedic footwear, man's shoes, oxford	\$102.87
L3221	orthopedic footwear, man's shoes, depth inlay	\$120.00
L3222	orthopedic footwear, man's shoes, hightop, depth inlay	\$150.00

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
<del>L3223</del>	<del>orthopedic footwear, man's surgical boot, each</del>	<del>\$91.00</del>
L3230	orthopedic footwear, custom shoes, depth inlay	\$425.00
L3250	orthopedic footwear, custom molded shoe, removable inner mold,	\$381.00
L3251	foot, shoe molded to patient model, silicone shoe, each	\$450.00
L3252	foot, shoe molded to patient model, plastazote (or similar),	\$300.00
L3253	foot, molded shoe plastazote (or similar), custom fitted, each	\$90.00
L3254	nonstandard size or width	\$38.00
L3257	orthopedic footwear, additional charge for split size	\$180.00
L3260	ambulatory surgical boot, each	\$60.00
L3265	plastazote sandal, each	\$35.00
L3300	lift, elevation, heel, tapered to metatarsals, per inch	\$42.00
L3310	lift, elevation, heel and sole, neoprene, per inch	\$40.00
L3320	lift, elevation, heel and sole, cork, per inch	BR
L3330	lift, elevation, metal extension (skate)	\$275.00
L3332	lift, elevation, inside shoe, tapered, up to one-half inch	\$18.00
L3334	lift, elevation, heel, per inch	\$25.00
L3340	heel wedge, sach	\$70.00
L3350	heel wedge	\$13.00
L3360	sole wedge, outside sole	\$15.00
L3370	sole wedge, between sole	\$22.00
L3380	clubfoot wedge	\$32.00
L3390	outflare wedge	\$15.00
L3400	metatarsal bar wedge, rocker	\$56.00
L3410	metatarsal bar wedge, between sole	\$64.00
L3420	full sole and heel wedge, between sole	\$32.00
L3430	heel, counter, plastic reinforced	\$44.00
L3440	heel, counter, leather reinforced	\$35.00
L3500	miscellaneous shoe addition, insole, leather	BR
L3510	miscellaneous shoe addition, insole, rubber	BR
L3520	miscellaneous shoe addition, insole, felt covered with leather	BR
L3530	miscellaneous shoe addition, sole, half	BR
L3540	miscellaneous shoe addition, sole, full	BR
L3550	miscellaneous shoe addition, toe tap, standard	BR
L3560	miscellaneous shoe addition, toe tap, horseshoe	BR
L3570	miscellaneous shoe addition, special extension to instep	BR
L3580	miscellaneous shoe addition, convert instep to velcro closure	BR
L3590	miscellaneous shoe addition, convert firm shoe counter to soft	BR
L3595	miscellaneous shoe addition, march bar	BR
L3650	so, figure of eight design abduction restrainer	\$37.82
L3660	so, figure of eight design abduction restrainer, canvas and	\$65.54
L3670	so, acromio/clavicular (canvas and webbing type)	\$72.11

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L3700	eo, elastic with stays	\$44.51
L3710	eo, elastic with metal joints	\$78.83
L3720	eo, double upright with forearm/arm cuffs, free motion	\$556.10
L3730	eo, double upright with forearm/arm cuffs, extension/flexion	\$766.44
L3740	eo, double upright with forearm/arm cuffs, adjustable position	\$908.66
L3800	whfo, short opponens, no attachments	\$140.00
L3805	whfo, long opponens, no attachment	\$256.00
L3810	whfo, addition to short and long opponens, thumb abduction	\$55.09
L3815	whfo, addition to short and long opponens, second m.p.	\$51.16
L3820	whfo, addition to short and long opponens, i.p. extension	\$87.86
L3825	whfo, addition to short and long opponens, m.p. extension stop	\$55.14
L3830	whfo, addition to short and long opponens, m.p. extension	\$71.98
L3835	whfo, addition to short and long opponens, m.p. spring	\$78.02
L3840	whfo, addition to short and long opponens, spring swivel thumb	\$53.45
L3845	whfo, addition to short and long opponens, thumb i.p. extension	\$69.02
L3850	whfo, addition to short and long opponens, action wrist, with	\$98.59
L3855	whfo, addition to short and long opponens, adjustable m.p.	\$99.38
L3860	whfo, add. To short and long opponens, adjustable m.p. flexion	\$136.03
L3900	whfo, dynamic flexor hinge, reciprocal wrist extension/flexion,	\$1,396.48
L3901	whfo, dynamic flexor hinge, reciprocal wrist extension/flexion,	\$1,481.20
L3902	whfo, external powered, compressed gas	\$2,137.19
L3904	whfo, external powered, electric	\$2,354.94
L3906	whfo, wrist gauntlet, custom fabricated	\$384.00
L3907	whfo, wrist gauntlet with thumb spica, custom fabricated	\$406.00
L3908	whfo, wrist extension control cock-up, prefabricated	\$38.21
L3910	whfo, swanson design	\$253.61
L3912	whfo, flexion glove with elastic finger control	\$69.00
L3914	whfo, wrist extension cock-up, prefabricated	\$62.00
L3916	whfo, wrist extension cock-up, with outrigger, prefabricated	\$109.00
L3918	whfo, knuckle bender, prefabricated	\$64.00
L3920	whfo, knuckle bender, with outrigger, prefabricated	\$90.00
L3922	whfo, knuckle bender, two segment to flex joints, prefabricated	\$75.02
L3924	whfo, oppenheimer, prefabricated	\$88.95
L3926	whfo, thomas suspension, prefabricated	\$71.96
L3928	whfo, finger extension, with clock spring, prefabricated	\$43.89
L3930	whfo, finger extension, with wrist support, prefabricated	\$50.94
L3932	whfo, safety pin, spring wire, prefabricated	\$38.12
L3934	whfo, safety pin, modified, prefabricated	\$40.91
L3936	whfo, palmer, prefabricated	\$75.73
L3938	whfo, dorsal wrist, prefabricated	\$74.25
L3940	whfo, dorsal wrist, with outrigger attachment, prefabricated	\$83.41



Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L3942	whfo, reverse knuckle bender, prefabricated	\$62.14
L3944	whfo, reverse knuckle bender, with outrigger, prefabricated	\$78.52
L3946	whfo, composite elastic, prefabricated	\$59.28
L3948	whfo, finger knuckle bender, prefabricated	\$46.85
L3950	whfo, combination oppenheimer, with knuckle bender and two	\$126.68
L3952	whfo, combination oppenheimer, with reverse knuckle and two	\$141.50
L3954	whfo, spreading hand, prefabricated	\$77.63
L3960	sewho, abduction positioning, airplane design, prefabricated	\$505.85
L3962	sewho, abduction positioning, erbs palsy design, prefabricated	\$457.52
L3963	sewho, molded shoulder, arm, forearm, and wrist with	\$1,063.83
L3964	seo, mobile arm support attached to wheelchair, balanced, adj.	\$501.52
L3965	seo, mobile arm support attached to wheelchair, balanced, adj.	\$772.40
L3966	seo, mobile arm support attached to wheelchair, balanced,	\$613.07
L3968	seo, mobile arm support attached to wheelchair, balanced and,	\$713.05
L3969	seo, mobile arm support, monosuspension arm and hand support,	\$563.81
L3970	seo, addition to mobile arm support, elevating proximal arm	\$193.93
L3972	seo, addition to mobile arm support, offset or lateral rocker	\$178.22
L3974	seo, addition to mobile arm support, supinator	\$109.98
L3980	upper extremity fracture orthosis, humeral, prefabricated	\$197.13
L3982	upper extremity fracture orthosis, radius/ulnar, prefabricated	\$238.05
L3984	upper extremity fracture orthosis, wrist, prefabricated	\$219.47
L3985	upper extrem. fracture orthosis, forearm, hand with wrist hinge,	\$496.93
L3986	upper extremity fracture orthosis, combination of humeral,	\$476.56
L3995	addition to upper extremity orthosis, sock, fracture or equal,	\$20.85
L3999	upper limb orthosis, not otherwise specified	BR
L4000	replace girdle for milwaukee orthosis	\$1,107.83
L4010	replace trilateral socket brim	\$942.50
L4020	replace quadrilateral socket brim, molded to patient model	\$748.37
L4030	replace quadrilateral socket brim, custom fitted	\$438.67
L4040	replace molded thigh lacer	\$354.66
L4045	replace nonmolded thigh lacer	\$285.01
L4050	replace molded calf lacer	\$358.70
L4055	replace nonmolded calf lacer	\$232.27
L4060	replace high roll cuff	\$276.12
L4070	replace proximal and distal upright for kafo	\$244.52
L4080	replace metal bands kafo, proximal thigh	\$87.00
L4090	replace metal bands kafo, calf or distal thigh	\$78.46
L4100	replace leather cuff kafo, proximal thigh	\$90.62
L4110	replace leather cuff kafo, calf or distal thigh	\$73.68
L4130	replace pretibial shell	\$431.00
L4210	repair of orthotic device, repair or replace minor parts	BR

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes)	Map
	A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	
L4350	pneumatic ankle control splint (e.g., aircast), prefabricated	\$58.25
L4360	pneumatic walking splint (e.g., aircast), prefabricated	\$180.43
L4370	pneumatic full leg splint (e.g., aircast), prefabricated	\$123.02
L4380	pneumatic knee splint (e.g., aircast), prefabricated	\$69.99
L5000	partial foot, shoe insert with longitudinal arch, toe filler	\$400.00
L5010	partial foot, molded socket, ankle height, with toe filler	\$1,217.00
L5020	partial foot, molded socket, tibial tubercle height, with toe	\$2,226.00
L5050	ankle, symes, molded socket, sach foot	\$2,231.00
L5060	ankle, symes, metal frame, molded leather socket, articulated	\$2,691.00
L5100	below knee, molded socket, shin, sach foot	\$2,499.00
L5105	below knee, plastic socket, joints and thigh lacer, sach foot	\$3,215.69
L5150	knee disarticulation (or through knee), molded socket, external	\$3,599.00
L5160	knee disarticulation, (or through knee), molded socket, bent,	\$3,869.00
L5200	above knee, molded socket, single axis constant friction knee,	\$3,081.00
L5210	above knee, short prosthesis, no knee joint ("stubbies"), with,	\$2,332.00
L5220	above knee, short prosthesis, no knee joint ("stubbies"),	\$2,592.00
L5230	above knee, for proximal femoral focal deficiency, constant	\$4,198.00
L5250	hip dis-articulation, canadian type; molded socket, hip joint,	\$4,802.00
L5270	hip dis-articulation, tilt table type, molded socket, locking	\$4,760.75
L5280	hemipelvectomy, canadian type; molded socket, hip joint, single	\$4,713.13
L5301	below knee, molded socket, shin, sach foot, endoskeletal system	\$2,612.75
L5311	knee disarticulation, molded socket, enternal knee joints, shin	\$3,859.00
L5321	above knee, molded socket, open end, sach foot, endoskeletal,	\$3,815.00
L5331	hip disarticulation, canadian type, molded socket, endoskeletal	\$5,450.14
L5341	hemipelvectomy, canadian type, molded socket, endoskeletal, hip	\$5,823.31
L5400	immediate post-surgical or early fitting, application of	\$1,261.00
L5410	immediate post-surgical or early fitting, application of	\$333.00
L5420	immediate post-surgical or early fitting, application of	\$1,547.71
L5430	immediate post-surgical or early fitting, application of	\$420.12
L5450	immediate post-surgical or early fitting, application of non-	\$363.27
L5460	immediate post-surgical or early fitting, application of non-	\$476.46
L5500	initial below knee "ptb" type socket, "usmc" or equal pylon, no	\$1,262.00
L5505	initial, above knee-knee dis-articulation, ischial level	\$1,685.00
L5510	preparatory, below knee "ptb" type socket, sach foot, plaster	\$1,535.00
L5520	preparatory, below knee "ptb" type socket, sach foot,	\$1,347.00
L5530	preparatory, below knee "ptb" type socket, no cover, sach foot,	\$1,752.00
L5535	preparatory, below knee "ptb" type socket, no cover, sach foot,	\$1,569.73
L5540	preparatory, below knee "ptb" type socket, no cover, sach foot,	\$1,765.00
<del>L5560</del>	<del>preparatory, above knee-knee disarticulation, ischial</del>	<del>\$1,829.00</del>
L5570	preparatory, above knee-knee disarticulation, ischial	\$1,840.00
L5580	preparatory, above knee-knee disarticulation, ischial	\$2,352.00

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L5585	preparatory, above knee-knee disarticulation, ischial	\$2,696.00
L5590	preparatory, above knee-knee disarticulation, ischial	\$2,225.22
L5595	preparatory, hip disarticulation-hemipelvectomy, pylo	\$3,727.16
L5600	preparatory, hip disarticulation-hemipelvectomy, pylon,	\$4,115.89
L5610	addition to lower extremity, endoskeletal above	\$1,916.47
L5611	addition to lower extremity, endoskeletal system above	\$1,491.40
L5613	addition to lower extremity, endoskeletal above, 4ar lin	\$2,268.50
L5614	addition to lower extremity, above knee--knee disarticula	\$3,508.49
L5616	addition to lower extremity, above knee, universal mult	\$1,257.18
L5618	addition to lower extremity, test socket, symes	\$654.32
L5620	addition to lower extremity, test socket, below knee	\$533.41
L5622	addition to lower extremity, test socket, knee disarticulation	\$729.81
L5624	addition to lower extremity, test socket, above knee	\$635.07
L5626	addition to lower extremity, test socket, hip disarticulation	\$777.71
L5628	addition to lower extremity, test socket, hemipelvectomy	\$775.86
L5629	addition to lower extremity, below knee, acrylic socket	\$220.64
L5630	addition to lower extremity, symes type, expandable wall socket	\$415.43
L5631	addition to lower extremity, above knee or	\$305.04
L5632	addition to lower extremity, symes type, "ptb" brim d	\$205.52
L5634	addition to lower extremity, symes type, posterior opening	\$281.57
L5636	addition to lower extremity, symes type, medial opening socket	\$235.86
L5637	addition to lower extremity, below knee, total contact	\$294.15
L5638	addition to lower extremity, below knee, leather socket	\$450.48
L5639	addition to lower extremity, below knee, wood socket	\$1,037.83
L5640	addition to lower extremity, knee disarticulation, leather	\$591.89
L5642	addition to lower extremity, above knee, leather socket	\$573.50
L5643	addition to lower extremity, hip disarticulation, flexible	\$1,440.73
L5644	addition to lower extremity, above knee, wood socket	\$546.73
L5645	addition to lower extremity, below knee, flexible inner socket,	\$748.26
L5646	addition to lower extremity, below knee, air cushion socket	\$507.18
L5647	addition to lower extremity, below knee, suction socket	\$736.32
L5648	addition to lower extremity, above knee, air cushion socket	\$609.43
L5649	addition to lower extremity, ischial containment/narrow m-l	\$1,882.67
L5650	addition to lower extremity, total contact, above knee or knee	\$451.88
L5651	addition to lower extremity, above knee, flexible inner socket,	\$1,111.63
L5652	addition to lower extremity, suction suspension, above knee or	\$606.28
L5653	addition to lower extremity, knee disarticulation, expandable	\$661.74
L5654	addition to lower extremity, socket insert, symes (kemblo,	\$426.49
L5655	addition to lower extremity, socket insert, below knee (kemblo,	\$348.15
L5656	addition to lower extremity, socket insert, knee	\$343.38
L5658	addition to lower extremity, socket insert, above knee (kemblo,	\$336.56

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L5660	addition to lower extremity, socket inset, symes, silicone gel	\$533.65
L5661	addition to lower extremity, socket insert, multidurometer,	\$563.29
L5662	addition to lower extremity, socket insert, below knee,	\$489.35
L5663	addition to lower extremity, socket insert, knee	\$637.86
L5664	addition to lower extremity, socket insert, above knee,	\$614.54
L5665	addition to lower extremity, socket insert, multidurometer,	\$473.96
L5666	addition to lower extremity, below knee, cuff suspension	\$64.80
L5668	addition to lower extremity, below knee, molded distal cushion	\$93.48
L5670	addition to lower extremity, below knee, molded supracondylar	\$300.76
L5672	addition to lower extremity, below knee, removable medial brim	\$276.02
L5674	addition to lower extremity, below knee, latex sleeve	\$48.81
L5675	addition to lower extremity, below knee, latex sleeve	\$66.16
L5676	addition to lower extremity, below knee, knee joints, single	\$335.44
L5677	addition to lower extremity, below knee, knee joints,	\$456.40
L5678	addition to lower extremity, below knee, joint covers, pair	\$30.33
L5680	addition to lower extremity, below knee, thigh lacer, nonmolded	\$281.74
L5682	addition to lower extremity, below knee, thigh lacer,	\$578.90
L5684	addition to lower extremity, below knee, fork strap	\$44.54
L5686	addition to lower extremity, below knee, back check (extension	\$47.29
L5688	addition to lower extremity, below knee, waist belt, webbing	\$56.53
L5690	addition to lower extremity, below knee, waist belt, padded and	\$90.58
L5692	addition to lower extremity, above knee, pelvic control belt,	\$123.00
L5694	addition to lower extremity, above knee, pelvic control belt,	\$167.93
L5695	addition to lower extremity, above knee, pelvic control, sleeve	\$150.96
L5696	addition to lower extremity, above knee or knee	\$171.28
L5697	addition to lower extremity, above knee or knee	\$74.32
L5698	addition to lower extremity, above knee or knee	\$96.56
L5699	all lower extremity prostheses, shoulder harness	\$142.40
L5700	replacement, socket, below knee, molded to patient model	\$2,534.95
L5701	replacement, socket, above knee/knee disarticulation including	\$3,147.36
L5702	replacement, socket, hip disarticulation, including hip joint,	\$4,021.66
L5704	replacement, custom shaped protective cover, below knee	\$436.72
L5705	replacement, custom shaped protective cover, above knee	\$800.64
L5706	replacement, custom shaped protective cover, knee	\$780.94
L5707	replacement, custom shaped protective cover, hip	\$1,049.19
L5710	addition, exoskeletal knee-shin system, single axis, manual	\$332.93
L5711	addition, exoskeletal knee-shin system, single axis, manual lo	\$483.34
L5712	addition, exoskeletal knee-shin system, single axis, friction	\$398.87
L5714	addition, exoskeletal knee-shin system, single axis, variable	\$387.18
L5716	addition, exoskeletal knee-shin system, polycentric mechanical	\$674.65
L5718	addition, exoskeletal knee-shin system, polycentric, friction c	\$843.24

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L5722	addition, exoskeletal knee-shin system, single axis, pneumatic	\$835.75
L5724	addition, exoskeletal knee-shin system, single axis, fluid	\$1,397.20
L5726	addition, exoskeletal knee-shin system, single axis, external	\$1,610.24
L5728	addition, exoskeletal knee-shin system, single axis, fluid	\$1,851.35
L5780	addition, exoskeletal knee-shin system, single axis,	\$1,059.79
L5785	addition, exoskeletal system, below knee, ultra-light material	\$480.92
L5790	addition, exoskeletal system, above knee, ultra-light material	\$665.57
L5795	addition, exoskeletal system, hip disarticulation, ultra-light	\$993.86
L5810	addition, endoskeletal knee-shin system, single axis, manual	\$450.67
L5811	addition, endoskeletal knee-shin system, single axis, manual	\$675.10
L5812	addition, endoskeletal knee-shin system, single axis friction	\$495.00
L5816	addition, endoskeletal knee-shin system, polycentric mechanical	\$710.00
L5818	addition, endoskeletal knee-shin system, polycentric, friction	\$888.94
L5822	addition, endoskeletal knee-shin system, single axis, pneumatic	\$1,576.30
L5824	addition, endoskeletal knee-shin system, single axis, fluid	\$1,400.00
L5828	addition, endoskeletal knee-shin system, single axis, fluid	\$2,263.39
L5830	addition, endoskeletal knee-shin system, single axis,	\$1,756.46
L5840	addition, endoskeletal knee-shin system, single axis,	\$1,980.00
L5850	addition, endoskeletal system, above knee or hip	\$118.42
L5855	addition, endoskeletal system, hip disarticulation, mechanical	\$285.88
L5910	addition, endoskeletal system, below knee, alignable system	\$335.26
L5920	addition, endoskeletal system, above knee or hip	\$491.14
L5925	addition, endoskeletal system, above knee, knee disarticulation	\$280.00
L5940	addition, endoskeletal system, below knee, ultra-light material	\$464.30
L5950	addition, endoskeletal system, above knee, ultra-light material	\$720.17
L5960	addition, endoskeletal system, hip disarticulation, ultra-light	\$892.37
L5962	addition, endoskeletal system, below knee, flexible protective	\$490.00
L5964	addition, endoskeletal system, above knee, flexible protective	\$798.56
L5966	addition endoskeletal system, hip disarticulation, flexible	\$1,035.31
L5970	all lower extremity prostheses, foot, external keel, sach foot	\$187.99
L5972	all lower extremity prostheses, flexible keel foot (safe, sten,	\$326.23
L5974	all lower extremity prostheses, foot, single axis ankle/foot	\$215.70
L5976	all lower extremity prostheses, energy storing foot (seattl	\$451.39
L5978	all lower extremity prostheses, foot, multiaxial ankle/foot	\$270.13
L5979	all lower extremity prostheses, multiaxial ankle/foot, dynami	\$2,090.00
L5980	all lower extremity prostheses, flex-foot system	\$2,917.79
L5981	all lower extremity prostheses, flex-walk system or equal	\$2,382.65
L5982	all exoskeletal lower extremity prostheses, axial rotation unit	\$535.13
L5984	all endoskeletal lower extremity prostheses, axial rotatio	\$527.33
L5986	all lower extremity prostheses, multiaxial rotation unit ("mcp	\$586.57
L5999	lower extremity prosthesis, not otherwise classified	BR

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L6000	partial hand, robinids, thumb remaining (or equal)	\$1,229.90
L6010	partial hand, robinids, little and/or ring finger remaining	\$1,368.70
L6020	partial hand, robon aids, no finger remaining (or equal)	\$1,276.09
L6050	wrist disarticulation, molded socket, flexible elbow hinges	\$2,263.00
L6055	wrist disarticulation, molded socket with expandable interface,	\$2,450.75
L6100	below elbow, molded socket, flexible elbow hinge, triceps pad	\$2,229.00
L6110	below elbow, molded socket (muenster or northwestern suspension	\$2,284.04
L6120	below elbow, molded double wall split socket, step-up hinges,	\$2,202.07
L6130	below elbow, molded double wall split socket, stump activated	\$2,396.27
L6200	elbow disarticulation, molded socket, outside locking hinge,	\$2,982.00
L6205	elbow disarticulation, molded socket with expandable interface,	\$3,370.85
L6250	above elbow, molded double wall socket, internal locking elbow,	\$3,267.79
L6300	shoulder disarticulation, molded socket, shoulder bulkhead,	\$3,448.64
L6310	shoulder disarticulation, passive restoration (complete	\$2,809.00
L6320	shoulder disarticulation, passive restoration (shoulder cap	\$1,581.89
L6350	interscapular thoracic, molded socket, shoulder bulkhead,	\$3,625.73
L6360	interscapular thoracic, passive restoration (complete	\$2,948.39
L6370	interscapular thoracic, passive restoration (shoulder cap only)	\$1,880.09
L6380	immediate post-surgical or early fitting, application of	\$1,130.00
L6382	immediate post-surgical or early fitting, application of	\$1,520.00
L6384	immediate post-surgical or early fitting, application of	\$1,764.86
L6386	immediate post-surgical or early fitting, each additional cast	\$371.72
L6388	immediate post-surgical or early fitting, application of rigid	\$406.94
L6400	below elbow, molded socket, endoskeletal system, including soft	\$2,147.89
L6450	elbow disarticulation, molded socket, endoskeletal system,	\$2,853.88
L6500	above elbow, molded socket, endoskeletal system, including soft	\$2,856.22
L6550	shoulder disarticulation, molded socket, endoskeletal system,	\$3,529.76
L6570	interscapular thoracic, molded socket, endoskeletal system,	\$4,051.49
L6580	preparatory, wrist disarticulation or below elbow, single wall	\$1,446.95
L6582	preparatory, wrist disarticulation or below elbow, single wall	\$1,273.99
L6584	preparatory, elbow disarticulation or above elbow, single wa	\$1,894.64
L6586	preparatory, elbow disarticulation or above elbow, single wa	\$1,734.41
L6588	preparatory, shoulder disarticulation or interscapul	\$2,616.40
L6590	preparatory, shoulder disarticulation or interscapul	\$2,435.32
L6600	upper extremity additions, polycentric hinge, pair	\$173.63
L6605	upper extremity additions, single pivot hinge, pair	\$171.44
L6610	upper extremity additions, flexible metal hinge, pair	\$154.12
L6615	upper extremity addition, disconnect locking wrist unit	\$160.80
L6616	upper extremity addition, additional disconnect insert f	\$60.04
L6620	upper extremity addition, flexion-friction wrist unit	\$280.66
L6623	upper extremity addition, spring assisted rotational wrist un	\$593.77

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L6625	upper extremity addition, rotation wrist unit with cable lock	\$492.31
L6628	upper extremity addition, quick disconnect hook adapter, or equal	\$443.44
L6629	upper extremity addition, quick disconnect lamination coll	\$135.43
L6630	upper extremity addition, stainless steel, any wrist	\$529.70
L6632	upper extremity addition, latex suspension sleeve, each	\$60.14
L6635	upper extremity addition, lift assist for elbow	\$185.00
L6637	upper extremity addition, nudge control elbow lock	\$339.89
L6640	upper extremity addition, shoulder abduction joint, pair	\$259.30
L6641	upper extremity addition, excursion amplifier pulley type	\$148.50
L6642	upper extremity addition, excursion amplifier level type	\$201.28
L6645	upper extremity addition, shoulder flexion abduction join	\$295.49
L6650	upper extremity addition, shoulder universal joint, each	\$313.32
L6655	upper extremity addition, standard control cable, extra	\$69.53
L6660	upper extremity addition, heavy duty control cable	\$84.96
L6665	upper extremity addition, teflon, or equal cable lining	\$42.64
L6670	upper extremity addition, hook to hand, cable adapter	\$44.39
L6672	upper extremity addition, harness, chest or shoulder, saddle	\$156.07
L6675	upper extremity addition, harness, figure of eight type, for	\$111.16
L6676	upper extremity addition, harness, figure of ei	\$112.26
L6680	upper extremity addition, test socket, wrist disar	\$396.63
L6682	upper extremity addition, test socket, elbow disar	\$492.52
L6684	upper extremity addition, test socket, shoulder di	\$575.62
L6686	upper extremity addition, suction socket	\$546.47
L6687	upper extremity addition, frame type socket, b	\$485.00
L6688	upper extremity addition, frame type socket, a	\$490.36
L6689	upper extremity addition, frame type soc	\$623.71
L6690	upper extremity addition, frame type socket,	\$636.49
L6691	upper extremity addition, removable insert, each	\$375.00
L6692	upper extremity addition, silicone gel insert or equal, each	\$517.66
L6700	terminal device, hook dorrance, or equal, model #3	\$480.17
L6705	terminal device, hook dorrance, or equal, model #5	\$281.90
L6710	terminal device, hook, dorrance, or equal, model #5x	\$456.45
L6715	terminal device, hook, dorrance, or equal, model #5xa	\$435.00
L6720	terminal device, hook, dorrance, or equal, model #6	\$789.68
L6725	terminal device, hook, dorrance, or equal, model #7	\$465.24
L6730	terminal device, hook, dorrance, or equal, model #7lo	\$591.50
L6735	terminal device, hook, dorrance, or equal, model #8	\$275.82
L6740	terminal device, hook, dorrance, or equal, model #8x	\$359.60
L6745	terminal device, hook, dorrance, or equal, model #88x	\$329.03
L6750	terminal device, hook, dorrance, or equal, model #10p	\$325.22
L6755	terminal device, hook, dorrance, or equal, model #10x	\$324.30

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L6765	terminal device, hook, dorrance, or equal, model #12p	\$338.82
L6770	terminal device, hook, dorrance, or equal, model #99x	\$326.63
L6775	terminal device, hook, dorrance, or equal, model #555	\$387.01
L6780	terminal device, hook, dorrance, or equal, model #ss555	\$413.69
L6790	terminal device, hook, accu hook or equal	\$418.27
L6795	terminal device, hook, 2 load or equal	\$1,145.60
L6800	terminal device, hook, aprl vc or equal	\$937.88
L6805	terminal device, modifier wrist flexion unit	\$314.94
L6806	terminal device, hook, trs grip, vc	\$1,219.79
L6809	terminal device, hook, trs super sport, passive	\$343.46
L6810	terminal device, pincher tool, otto bock or equal	\$172.66
L6825	terminal device, hand, dorrance, vo	\$955.02
L6830	terminal device, hand, aprl, vc	\$1,253.51
L6835	terminal device, hand, sierra, vo	\$1,091.93
L6840	terminal device, hand, becker imperial	\$758.59
L6845	terminal device, hand, becker lock grip	\$704.22
L6850	terminal device, hand, becker pylite	\$637.78
L6855	terminal device, hand, robinids, vo	\$811.19
L6860	terminal device, hand, robinids, vo soft	\$615.22
L6865	terminal device, hand, passive hand	\$301.42
L6875	terminal device, hand, bock vc	\$719.47
L6880	terminal device, hand, bock vo	\$466.76
L6890	terminal device, glove for above hands, production glove	\$190.00
L6895	terminal device, glove for above hands, custom glove	\$732.76
L6900	hand restoration (casts, shading and measuremen	\$1,989.50
L6905	hand restoration (casts, shading and measuremen	\$1,990.23
L6910	hand restoration (casts, shading and measuremen	\$2,001.88
L6915	hand restoration (shading and measuremen	\$774.57
L6920	wrist disarticulation, external power, self-su	\$6,434.34
L6925	wrist disarticulation, external power, self-su	\$6,874.02
L6930	below elbow, external power, self-suspended inner socket,	\$6,197.18
L6935	below elbow, external power, self-suspended inner socket,	\$6,841.72
L6940	elbow disarticulation, external power, molded inner socket,	\$8,002.61
L6945	elbow disarticulation, external power, molded inner socket,	\$8,927.91
L6950	above elbow, external power, molded inner socket, removable	\$7,987.74
L6955	above elbow, external power, molded inner socket, removable	\$9,263.27
L6960	shoulder disarticulation, external power, molded inner socket,	\$9,744.62
L6965	shoulder disarticulation, external power, molded inner	\$11,544.00
L6970	interscapular-thoracic, external power, molded inner	\$12,356.57
L6975	interscapular-thoracic, external power, molded inner	\$13,619.84
L7010	electronic hand, otto bock, steeper or equal, switch controlled	\$3,174.94



Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes) A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	Map
L7015	electronic hand, system teknik, variety village or equal, swite	\$5,611.94
L7020	electronic greifer, otto bock or equal, switch controlled	\$3,466.69
L7025	electronic hand, otto bock or equal, myoelectronically	\$3,428.95
L7030	electronic hand, system teknik, variety village or equal,	\$5,488.37
L7035	electronic greifer, otto bock or equal, myoelectronically	\$3,648.62
L7040	prehensile actuator, hosmer or equal, switch controlled	\$2,609.59
L7170	electronic elbow, boston or equal, switch controlled	\$5,427.59
L7180	electronic elbow, boston, utah or equal, myoelectro	\$29,891.81
L7260	electronic wrist rotator, otto bock or equal	\$1,821.71
L7261	electronic wrist rotator, for utah arm	\$3,610.95
L7266	servo control, steeper or equal	\$916.48
L7272	analogue control, unb or equal	\$1,812.94
L7274	proportional control, 12 volt, utah or equal	\$5,621.72
L7360	six volt battery, otto bock or equal, each	\$240.00
L7362	battery charger, six volt, otto bock or equal	\$242.00
L7364	twelve volt battery, utah or equal, each	\$392.77
L7366	battery charger, 12 volt, utah or equal	\$540.20
L7499	unlisted procedures for upper extremity prosthesis	BR
L7500	repair of prosthetic device, hourly rate	\$80.00
L7510	repair prosthetic device, repair or replace minor parts	BR
L8100	gradient compression stocking, below knee, medium weight, each	BR
L8110	gradient compression stocking, below knee, heavy weight, each	BR
L8120	gradient compression stocking, (linton or equal), each thigh	BR
L8130	gradient compression stocking, thigh length	BR
L8140	gradient compression stocking, thigh length	BR
L8150	gradient compression stocking, thigh length	BR
L8160	gradient compression stocking, full-length, each	BR
L8170	gradient compression stocking, full-length, chap style each	BR
L8180	gradient compression stocking,	BR
L8190	gradient compression stocking, waist length each	BR
L8200	gradient compression stocking, waist length, each	BR
L8210	gradient compression stocking, custom-made	BR
L8220	gradient compression, elastic stocking, lymphedema	BR
L8300	truss, single with standard pad	\$58.56
L8310	truss, double with standard pads	\$92.46
L8320	truss, addition to standard pad, water pad	\$37.11
L8330	truss, addition to standard pad, scrotal pad	\$34.27
L8400	prosthetic sheath, below knee, each	\$23.02
L8410	prosthetic sheath, above knee, each	\$19.18
L8415	prosthetic sheath, upper limb, each	\$19.84
L8420	prosthetic sock, multiple ply, below knee, each	\$18.01

Code	Abbreviated Orthotic and Prosthetic procedures (L-Codes)	Map
	A complete listing of procedures and codes is found in HCPCS as adopted by reference in R 418.10107	
L8430	prosthetic sock, multiple ply, above knee, each	\$20.50
L8435	prosthetic sock, multiple ply, upper limb, each	\$19.46
L8440	prosthetic shrinker, below knee, each	\$38.71
L8460	prosthetic shrinker, above knee, each	\$61.69
L8465	prosthetic shrinker, upper limb, each	\$45.16
L8470	stump sock, single ply, fitting, below knee, each	\$6.18
L8480	stump sock, single ply, fitting, above knee, each	\$8.52
L8485	stump sock, single ply, fitting, upper limb, each	\$10.17
L8490	addition to prosthetic sheath/sock, air seal suction retent.	\$134.87
L8499	unlisted procedure for miscellaneous prosthetic services	BR
L8500	artificial larynx, any type	BR
L8501	tracheostomy speaking valve	BR
L8610	ocular	BR
L8699	prosthetic implant, not otherwise specified	BR

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**NOTICE OF PUBLIC HEARING**

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**ORR # 2003-031**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**BUREAU OF WORKERS' DISABILITY COMPENSATION**

**WORKER'S COMPENSATION HEALTH CARE SERVICES**

The Michigan Department of Consumer & Industry Services will hold a public hearing to receive comments from interested persons concerning amendments to the Workers' Compensation Health Care Services Rules. The following rules are included for comment:

R 418.10106, R 418.10107, R 418.10109, R 418.10202, R 418.10214, R 418.10901, R 418.101002, R 418.101017, R 418.101022, R 418.101101 and R 418.101504.

The proposed amendments do the following:

- Increases the conversion factor for practitioner services by 1.6% to \$47.44.
- Uses the 2003 relative value information to update the Relative Value Units (RVU) for practitioner services.
- Updates all source documents listed in the rules and adopts by reference the 2004 procedure codes for billing purposes.

A hearing will be held as follows:

November 19, 2003 at 9:00 A.M.  
2501 Woodlake Circle Conference Room 1 2<sup>nd</sup> Floor  
Okemos MI 48864

Interested persons may attend and present their views on the proposed revisions. Anyone presenting oral testimony is required to submit written comments at the time of testimony. Anyone unable to attend may address written comments to the address below. Written comments must be received by November 26, 2003. Copies of the proposed rules are available upon written request to the Bureau. In addition, the proposed rules are published on the following web site: <http://www.state.mi.us/orr>. The proposed effective date of these rules is January 15, 2004.

Department of Consumer & Industry Services  
Bureau of Workers' and Unemployment Compensation  
P.O. Box 30016  
Lansing, Michigan 48909  
Attn: Sheila Wilkinson, Administrator Health Care Services Division

The public hearing is being conducted by the Department under the Administrative Procedures Act of 1969, PA 306, as amended, 1969 PA 317, section 205 as amended, and Executive Reorganization 1996-2. All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual requiring additional accommodation for effective participation in a hearing should call (517) 322-5777 to make the necessary arrangements ten business days in advance of the hearing.

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2003-040**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**DIRECTOR'S OFFICE**

**BOARD OF REAL ESTATE APPRAISERS-GENERAL RULES**

Filed with the Secretary of State on  
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the department of consumer and industry services by sections 205, 308, 2605, and 2617 of 1980 PA 299, MCL 339.205, 339.308, 339.2605, and 339.2607, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 339.23101 of the Michigan Administrative Code is amended as follows:

**PART 1. GENERAL PROVISIONS**

**R 339.23101 Definitions.**

Rule 101. (1) As used in these rules:

- (a) "A course covering the "uniform standards of professional appraisal practice" in section 2627(5) and the "uniform standards of appraisal practice and ethics" in sections 2611(1), 2613(a)(xv), 2614(b)(xv) and 2615(b)(xv) of the act means the 15-hour national USPAP course or the 7-hour national USPAP update seminar, or their equivalent, as required by the AQB real property appraiser qualification criteria, adopted on October 27, 2000, and effective January 1, 2003.
- (b) "Act" means 1980 PA 299, MCL 339.101 et seq., and known as the occupational code.
- (c) "Board" means the board of real estate appraisers.
- (d) "Licensee" means an individual who is licensed under article 26 of the act, including a real estate valuation specialist, a limited real estate appraiser, a state-licensed real estate appraiser, a certified residential real estate appraiser, or a certified general real estate appraiser.
- (e) "Market analysis as performed by a real estate licensee" means the activity defined in section 2601(a)(i) and (ii) of the act, and means analysis solely for the purpose of establishing potential sale, purchase, or listing price of real property or the rental rate of real property and is not for the purpose of evaluating a property for mortgage lenders in the primary or secondary mortgage market.
- (f) "Real estate consulting", as used in sections 2613, 2614, and 2615 of the act, means that function or functions described in standards 4 and 5 of the uniform standards of professional appraisal practice.
- (g) "Transaction value" means any of the following:
  - (i) For loans or other extensions of credit, the amount of the loan or the extension of credit.
  - (ii) For sales, leases, purchases, and investments, or in exchanges of real property, the market value of the real property interest involved.
  - (iii) For the pooling of loans or interests in real property for resale or purchase, the

amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.

(h) “Uniform standards of professional appraisal practice” or “USPAP” means the uniform standards of professional appraisal practice, published by the Appraisal Foundation, effective January 1, ~~2003~~ **2004**. Copies of the USPAP ~~2003~~ **2004** edition are available at a cost at the time of adoption of these rules of \$30.00 for regular binding and \$35.00 for spiral binding plus \$8.50 for single copies and \$1.00 for each additional copy for shipping, from the Appraisal Foundation, 1029 Vermont Avenue NW, Suite 900, Washington DC 20005-3517. Mail orders: P.O. Box 96724, Washington DC 20090-6734. Phone: toll-free 800/805-7857 or 240/864-0100. Internet address: [www.appraisalfoundation.org](http://www.appraisalfoundation.org). The USPAP ~~2003~~ **2004** edition can be reviewed or purchased from the Department of Consumer & Industry Services, Bureau of Commercial Services, 2501 Woodlake Circle, Okemos Michigan 48824, Phone: 517/241-9236, at a cost as of the time of adoption of these rules of \$50.00 plus \$11.00 shipping and handling costs.

(2) Terms defined in articles 1 to 6 and 26 of the act have the same meanings when used in these rules.

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**NOTICE OF PUBLIC HEARING**

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**ORR # 2003-040**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**BUREAU OF COMMERCIAL SERVICES**

**REAL ESTATE APPRAISER RULES**

October 21, 2003  
2501 Woodlake Circle Okemos Michigan  
Conference Room A 2<sup>nd</sup> floor 9:00 a.m.

The Department of Consumer and Industry Services will hold a public hearing on October 21, 2003, at the Bureau of Commercial Services, 2501 Woodlake Circle, Okemos Michigan in Conference Room A at 9:00 a.m. The hearing will be held to receive public comments on proposed changes to the Administrative Rules for Real Estate Appraisers.

The proposed rules are to update the rules, incorporating the most current edition of the Uniform Standards of Professional Appraisal practice.

These rules are promulgated by authority conferred on the Department of Consumer & Industry Services by sections 308 and 721 of 1980 PA 299, MCL 339.308 and 339.721, and Executive Reorganization Order No. 1996-2, MCL 445.2001. These rules will take effect seven days after filing with the Secretary of State.

The rules [Rule Set 2003-040] are published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the October 15, 2003 issue of the *Michigan Register*. Comments may be submitted to the following address by 5:00 p.m. on October 22, 2003. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Consumer and Industry Services  
Jeannine Benedict, Bureau of Commercial Services  
P. O. Box 30018  
Lansing MI 48909-7518

Phone: 517/241-9219 FAX: 517/ 241-9280 E-mail: [jbened@michigan.gov](mailto:jbened@michigan.gov)

The public hearing will be conducted in compliance with the 1990 Americans With Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance to take part in the hearing can call 517/241-9280 to make arrangements.

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**EXECUTIVE ORDERS  
AND  
EXECUTIVE REORGANIZATION ORDERS**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*(a) Executive orders and executive reorganization orders.”*



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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER NO. 2003-1**

**PROCUREMENT OF GOODS AND SERVICES FROM VENDORS**

**IN COMPLIANCE WITH STATE AND FEDERAL LAW**

WHEREAS, under Article V, Section 8 of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor, unless otherwise provided by the Constitution, and the Governor must take care that the laws of the State of Michigan are faithfully executed;

WHEREAS, the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1101 to 18.1594, creates and sets forth the duties and powers of the Department of Management and Budget, a principal department;

WHEREAS, under section 261(1) of the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1261(1), the Department of Management of Budget shall provide for the purchase of, the contracting for, and the providing of supplies, materials, services, insurance, utilities, third party financing, equipment, printing, and all other items as needed by state agencies for which the legislature has not otherwise expressly provided;

WHEREAS, section 261(2) of the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1261(2), provides that the Department of Management of Budget shall make all discretionary decisions concerning the solicitation, award, amendment, cancellation, and appeal of state contracts;

WHEREAS, section 264 of the Management and Budget Act of 1984, 1984 PA 431, MCL 18.1264, provides that the Department of Management may debar a vendor from participation in the bid process and from contract award upon notice and a finding that the vendor is not able to perform responsibly, or that the vendor, or an officer or an owner of a 25% or greater share of the vendor, has demonstrated a lack of integrity that could jeopardize the state's interest if the state were to contract with the vendor; and

WHEREAS, because the State of Michigan conducts business with a wide-range of private sector vendors, it is important to ensure that state contracting is conducted in an open and honest fashion, that citizens receive the best goods and services at the best price, and to ensure the integrity of the contracting process;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and the laws of the State of Michigan, do hereby order the following:

**I. DEFINITIONS**

As used in this Order:

- (a) “Debar” means to suspend, revoke, or prohibit the privilege of contracting with the State of Michigan for the provision of goods or services;
- (b) “Department” means the principal department created by section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121; and
- (c) “Vendor” means a person or entity that has contracted with or seeks to contract with the State of Michigan for the provision of goods or services.

## **II. VENDOR COMPLIANCE WITH STATE AND FEDERAL LAW**

- (a) The Department may debar a vendor from the consideration for the award of a contract for the provision of goods or services to the State of Michigan or suspend the procurement of goods and services from a vendor if, within the past three (3) years, the vendor, an officer of the vendor, or an owner of a 25% or greater interest in the vendor has:
  - (1) Been convicted of a criminal offense incident to the application for or performance of a state contract or subcontract;
  - (2) Been convicted of any offense which negatively reflects on the vendor's business integrity, including but not limited to embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, state or federal antitrust statutes;
  - (3) Been convicted of any other offense, or violated any other state or federal law, as determined by a court of competent jurisdiction or an administrative proceeding, which, in the opinion of the Department, indicates that the vendor is unable to perform responsibly or which reflects a lack of integrity that could negatively impact or reflect upon the State of Michigan. An offense or violation under this subdivision may include, but is not limited to, an offense under or violation of: the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106; the Michigan Consumer Protection Act, 1976 PA 331, MCL 445.901 to 445.922; 1965 PA 166 (law relating to prevailing wages on state projects), MCL 408.551 to 408.558; 1978 PA 390 (law relating to payment of wages and fringe benefits), MCL 408.471 to MCL 408.490; or a willful or persistent violation of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1001 to 408.1094;
  - (4) Failed to substantially perform a state contract or subcontract according to its terms, conditions, and specifications within specified time limits;
  - (5) Violated Department bid solicitation procedures or violated the terms of a solicitation after bid submission;
  - (6) Refused to provide information or documents required by a contract, including but not limited to information or documents necessary for monitoring contract performance;
  - (7) Failed to respond to requests for information regarding vendor performance, or accumulated repeated substantiated complaints regarding performance of a contract/purchase order; or
  - (8) Failed to perform a state contract or subcontract in a manner consistent with any applicable state or federal law, rule or regulation.
- (b) If the Department finds that grounds to debar a vendor exist, it shall send the vendor a notice of proposed debarment indicating the grounds and the procedure for requesting a hearing. If the vendor does not respond with a written request for a hearing within twenty (20) calendar days, the Department shall issue the decision to debar without a hearing. The debarment period may be of any length, up to eight (8) years. After the debarment period expires, the vendor may reapply for inclusion on bidder lists through the regular application process.

## **III. IMPLEMENTATION**

(a) The Director of the Department and agency heads shall revise written departmental rules, policies, and procedures, including but not limited to the Administrative Guide to State Government, to conform with this Executive Order, the Management and Budget Act, and the terms of existing contracts with vendors.

(b) Department directors, agency heads and supervisors shall be responsible for familiarizing employees with this Executive Order and with Departmental or agency rules, policies and procedures and implementing this Executive Order and for enforcing compliance within the scope of their authority.

#### **IV. MISCELLANEOUS**

(a) Nothing in this Order should be construed to in any way impair the obligation of any existing contract between a vendor and the State of Michigan.

(b) The invalidity of any portion of this Order shall not affect the validity of the remainder the Order.

This Executive Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this \_\_\_\_\_ day of January, 2003

\_\_\_\_\_  
Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

\_\_\_\_\_  
SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER NO. 2003-2**

**SOLICITATION OR RECEIPT OF POLITICAL CONTRIBUTIONS**

**AT STATE GOVERNMENT FACILITIES**

WHEREAS, under Article V, Section 8 of the Michigan Constitution of 1963, each principal department is under the supervision of the Governor, unless otherwise provided by the Constitution, and the Governor must take care that the laws of the State of Michigan are faithfully executed;

WHEREAS, section 57 of the Michigan Campaign Finance Act, 1976 PA 388, MCL 169.257, prohibits an individual acting for a state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government from using funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide a political committee with volunteer personal services excluded from the definition of contribution by the Act;

WHEREAS, Rule 1-12 promulgated by the Michigan Civil Service Commission prohibits state classified employees from engaging in unauthorized political activities during actual duty time and prohibits the levying, solicitation, collection, or payment of any type of political assessment, or the authorizing or ordering of any such activity in the state classified service;

WHEREAS, it is in the best interests of the State of Michigan to protect state government and state employees from any appearance of improper political influence connected with the solicitation or receipt in state government facilities of local, state, or federal political contributions;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

**I. DEFINITIONS**

As used in this Order:

- (a) “Contract manager” includes the following state employees: (1) an employee designated in a state contract as a contract administrator; and (2) an employee of the Department of Management and Budget Office of Acquisition Services acting as a director, buyer, buyer manager, buyer specialist, or procurement technician;
- (b) “Political contribution” means a “contribution” as defined in section 4 of the Michigan Campaign Finance Act, 1976 PA 388, MCL 169.204, and also includes a “contribution” as defined in section 431(8) of the Federal Election Campaign Act of 1971, 2 USC 431(8); and
- (c) “State government facility” means any public building or real property owned by the State of Michigan, either directly or by or through any of its Executive Branch departments or agencies, and that

part of any publicly-owned or privately-owned building or real property leased or operated by the State of Michigan, either directly or by or through any of its Executive Branch departments or agencies. “State government facility” does not include any public building or real property owned by a college or university or any part of any privately-owned building or real property leased or operated by a college or university.

## **II. PROHIBITION AGAINST SOLICITATION OR RECEIPT OF POLITICAL CONTRIBUTIONS AT STATE GOVERNMENT FACILITIES**

- (a) Department directors and agency heads shall prohibit the solicitation and receipt of political contributions in all state government facilities including but not limited to buildings and grounds.
- (b) Department directors and agency heads shall revise existing written departmental policies, procedures, and issuances as necessary to conform with this Executive Order, the Michigan Campaign Finance Act, and related Civil Service Rules. Department Directors and agency heads also may issue reasonable written work rules to implement this Executive Order, the Michigan Campaign Finance Act, and related Civil Service Rules.
- (c) The requirements of this Executive Order apply all Executive Branch employees including but not limited to contract managers.
- (d) Department directors, agency heads, and supervisors shall be responsible for familiarizing employees with this Executive Order and with departmental or agency policies, procedures, issuances, and work rules implementing this Executive Order and for enforcing compliance within the scope of their authority.
- (e) Nothing in this Order should be construed to in any way limit the continuing obligation of all persons within the Executive Branch to comply with existing provisions of state and federal law regulating political contributions and other political activities.
- (f) This order is not intended to amend or modify the Michigan Campaign Finance Act or rules relating to political activity promulgated by the Civil Service Commission.
- (g) The invalidity of any portion of this Order shall not affect the validity of the remainder the Order.

This Executive Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this \_\_\_\_\_ day of January, 2003

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER NO. 2003 - 3**

WHEREAS, Article V, Section 20, of the Michigan Constitution of 1963 states that no appropriation is a mandate to spend, and that the Governor, with the approval of the appropriating committees of the House of Representatives and Senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based, and that reductions shall be made in accordance with procedures prescribed by law;

WHEREAS, it appears that actual revenues for the fiscal period from October 1, 2002 to September 30, 2003, will fall below the revenue estimates on which appropriations for that period were based, the estimates having been determined by the Legislature in accordance with Article IV, Section 31, of the Michigan Constitution of 1963;

WHEREAS, under provisions of Section 391 of the Management and Budget Act, 1984 PA 431, MCL 18.1391, on the basis of written information from the State Budget Director and the State Treasurer, it appears that actual revenue will fall below such revenue estimates;

WHEREAS, there is an unanticipated loss of funding which the departments and agencies of state government do not expect to obtain or make up during the current fiscal year;

WHEREAS, expenditure reductions totaling \$125,481,146.00 general fund-general purpose and \$19,804,400.00 special purpose funds are necessary;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the authority vested in me by the Michigan Constitution of 1963 and the laws of the State of Michigan, and with the approval of a majority of members of each appropriations committee, do hereby order the following reductions:

A. Portions of general fund-general purpose appropriations amounting to \$125,481,146.00 contained in the following public acts are hereby reduced. Where the expenditure reductions of general fund-general purpose appropriations in this order reduce the restricted portions of gross appropriations and sources of financing that will be earned, the amounts to be reduced shall be provided separately to the State Budget Director for approval and entry into the accounts.

<u>Public Act</u>	<u>Department</u>	<u>Reduction Amount</u>
2002 PA 516	Agriculture	1,326,900
2002 PA 528	Attorney General	560,017
2002 PA 518	Capital Outlay	14,715,300

2002 PA 517	Career Development	515,300
2002 PA 528	Civil Rights	408,000
2002 PA 528	Civil Service	480,800
2002 PA 161	Community Colleges	4,788,100
2002 PA 519	Community Health	16,957,288
2002 PA 527	Consumer and Industry Services	2,176,436
2002 PA 524	Corrections	7,861,269
2002 PA 522	Education	1,084,184
2002 PA 520	Environmental Quality	3,568,539
2002 PA 528	Executive Office	252,500
2002 PA 529	Family Independence Agency	26,875,221
2002 PA 144	Higher Education	25,497,600
2002 PA 523	History, Arts and Libraries	1,261,064
2002 PA 528	Management and Budget	3,688,089
2002 PA 517	Michigan Strategic Fund	1,273,100
2002 PA 514	Military and Veterans Affairs	1,539,492
2002 PA 525	Natural Resources	2,199,853
2002 PA 528	State	668,639
2002 PA 526	State Police	5,353,152
2002 PA 528	Treasury	<u>2,430,303</u>
		125,481,146

The Department of Information Technology shall reduce user charges to state agencies by \$10,000,000.00 to reflect reductions in appropriations for information technology services and projects contained in Section B.

B. The reduction totals for the department and agencies in Section A include the following appropriation items or are predicated upon the following actions:

### 1. Department of Agriculture

Appropriation Number	Item	Reduction Amount
03908	Local conservation districts	97,700
03909	Migrant labor housing	15,000
01420	Rent and building occupancy charges	100,000
02320	Animal health and welfare	60,000
02365	Bovine tuberculosis program	150,000
02540	Consumer protection program	45,000
03120	Environmental stewardship	143,500
02490	Food safety and quality assurance	250,100
02530	Laboratory analysis program	85,000
01210	Management services	65,000
02205	Pesticide and plant pest management	200,600
01220	Agricultural development	10,000
01120	Statistical reporting service	15,000
03940	Marketing and emergency management	30,000
30000	Information technology services and projects	<u>60,000</u>
		1,326,900

### 2. Department of Attorney General

Appropriation Number	Item	Reduction Amount
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01040	Attorney general operations	485,317
05000	Prosecuting attorneys coordinating council	16,000
06100	Information technology services and projects	<u>58,700</u>
		560,017

### 3. Capital Outlay

Appropriation Number	Item	Reduction Amount
74775	Major special maintenance and remodeling for department of community health	255,400
74776	Major special maintenance and remodeling for department of corrections	1,061,200
74777	Major special maintenance and remodeling for family independence agency	280,900
74778	Major special maintenance and remodeling for department of management and budget	363,900
74779	Major special maintenance and remodeling for department of state police	130,900
74780	For department of military affairs remodeling and additions and special maintenance projects	623,000
55940	Airport improvement programs	<u>12,000,000</u>
		14,715,300

The amount in Section 1101(5) of 2002 PA 518 is reduced from \$12,000,000.00 to \$0.

### 4. Department of Career Development

Appropriation Number	Item	Reduction Amount
01802	Unclassified salaries	390,000

03001	Administration	11,300
08203	Job training programs subgrantees	10,000
09563	Vocational rehabilitation client services/facilities	67,600
09550	Vocational rehabilitation independent living	<u>36,400</u>
		515,300

## 5. Department of Civil Rights

Appropriation Number	Item	Reduction Amount
01000	Civil rights operations	326,529
02100	Information technology services and projects	<u>81,471</u>
		408,000

## 6. Department of Civil Service

Appropriation Number	Item	Reduction Amount
19100	Civil service operations	298,800
19150	Information technology services and projects	<u>182,000</u>
		480,800

## 7. Community Colleges

Appropriation Number	Item	Reduction Amount
07600	Alpena Community College	79,700
07605	Bay de Noc Community College	76,900
07610	Delta College	222,200
07620	Glen Oaks Community College	37,300

07625	Gogebic Community College	65,500
07630	Grand Rapids Community College	279,500
07635	Henry Ford Community College	340,600
07645	Jackson Community College	188,600
07650	Kalamazoo Valley Community College	192,400
07655	Kellogg Community College	151,200
07660	Kirtland Community College	45,900
07665	Lake Michigan College	81,400
07670	Lansing Community College	483,300
07675	Macomb Community College	515,700
07680	Mid Michigan Community College	68,800
07685	Monroe County Community College	66,900
07690	Montcalm Community College	48,400
07615	C.S. Mott Community College	244,400
07695	Muskegon Community College	139,100
07700	North Central Michigan College	47,100
07705	Northwestern Michigan College	141,900
07710	Oakland Community College	325,300
07715	St. Clair County Community College	109,000
07720	Schoolcraft College	190,900
07725	Southwestern Michigan College	102,500
07730	Washtenaw Community College	194,100
07735	Wayne County Community College	258,400
07740	West Shore Community College	35,700
09020	At-risk student success program	<u>55,400</u>
		4,788,100

The amounts in Section 401 of 2002 PA 161 are reduced as follows:

Alpena Community College	reduced to	\$82,652
Bay de Noc Community College	reduced to	89,928
Delta College	reduced to	105,387
Glen Oaks Community College	reduced to	133,674
Gogebic Community College	reduced to	75,431
Grand Rapids Community College	reduced to	85,841
Henry Ford Community College	reduced to	158,074
Jackson Community College	reduced to	109,157
Kalamazoo Valley Community College	reduced to	112,017
Kellogg Community College	reduced to	151,327
Kirtland Community College	reduced to	163,408
Lake Michigan College	reduced to	180,214
Lansing Community College	reduced to	157,090
Macomb Community College	reduced to	89,157
Mid Michigan Community College	reduced to	134,080
Monroe County Community College	reduced to	96,061
Montcalm Community College	reduced to	67,030
Mott Community College	reduced to	107,209
Muskegon Community College	reduced to	202,562
North Central Michigan College	reduced to	151,211
Northwestern Michigan College	reduced to	124,503
Oakland Community College	reduced to	151,843
St. Clair Community College	reduced to	85,399
Schoolcraft College	reduced to	146,970
Southwestern Michigan College	reduced to	174,549
Washtenaw Community College	reduced to	164,416
Wayne County Community College	reduced to	137,407
West Shore Community College	reduced to	126,109

## 8. Department of Community Health

Appropriation Number	Item	Reduction Amount
14356	Case management services	150,000
01194	Certificate of need program administration	222,900
14330	Children's special health care services administration	350,000
02999	Civil service charges	540,900
02991	CMHSP, purchase of state	18,000

	services contracts	
14230	Community living, children, and families administration	2,500
46511	Community services	225,600
14357	Conveyor contract	22,800
14274	Dental programs	12,500
01191	Departmental administration and management	400,000
15155	Epidemiology administration	78,000
14281	Family planning local agreements	79,600
80000	Information technology services and projects	874,588
16230	Laboratory services	81,500
34010	Medical services administration	520,000
01176	Mental health initiatives for older persons	58,300
01130	Mental health/substance abuse program administration	150,000
11284	Michigan essential health care provider program	28,700
11381	Obesity program	53,300
11290	Palliative and hospice care	136,200
33540	Pharmaceutical services	10,000,000
14289	Prenatal care outreach and service delivery support	625,000
11289	Primary care services	50,200
01161	Protection and advocacy services support	40,900
46514	Senior citizens centers staffing and equipment	21,800
46513	Senior volunteer services	115,200
16773	Sexually transmitted disease control local agreement	23,400

01707	Special maintenance and equipment	612,500
14257	Sudden infant death syndrome program	100,000
11232	Workers compensation program	<u>1,362,900</u>
		16,957,288

## 9. Department of Consumer and Industry Services

Appropriation Number	Item	Reduction Amount
05008	Emergency medical services grants and contracts	15,900
01004	Policy development	35,000
01013	Bureau of hearings	175,000
29001	Office of fire safety	665,200
03001	Administrative services	40,000
06001	AFC, children's welfare and day care licensure	955,000
07010	Manufactured housing and land resources program	10,000
11604	Employment standards enforcement	172,300
05001	Health systems administration	18,200
08002	Employment and labor relations	3,700
09002	Occupational safety and health	5,400
17001	Tax tribunal operations	1,100
11701	Information technology services and projects	<u>79,636</u>
		2,176,436

## 10. Department of Corrections

Appropriation Number	Item	Reduction Amount
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19335	Community corrections comprehensive plans and services	624,700
28530	Inmate housing fund	78,000
46002	Alger maximum correctional facility - Munising	147,500
47002	Baraga maximum correctional facility - Baraga	168,400
49002	Chippawa correctional facility - Kincheloe	337,400
50002	Kinross correctional facility - Kincheloe	272,000
51002	Marquette branch prison - Marquette	157,400
54002	Newberry correctional facility - Newberry	156,300
52002	Oaks correctional facility - Eastlake	144,300
55002	Ojibway correctional facility - Marenisco	137,300
56002	Pugsley correctional facility - Kinglsey	149,700
83002	Saginaw correctional facility - Freeland	135,900
53002	Standish maximum correctional facility - Standish	135,900
35002	Cooper Street correctional facility - Jackson	135,900
36002	G. Robert Cotton correctional facility - Jackson	135,800
79002	Gus Harrison correctional facility - Adrian	294,000
78002	Huron Valley correctional facility - Ypsilanti	143,100
89002	Macomb correctional facility - New Haven	164,500
87002	Mound correctional facility - Detroit	135,900

34002	Parnall correctional facility - Jackson	135,800
86002	Ryan correctional facility - Detroit	138,300
82002	Robert Scott correctional facility - Plymouth	142,400
33002	Southern Michigan correctional facility - Jackson	194,700
80002	Thumb correctional facility - Lapeer	135,900
85002	Western Wayne correctional facility - Plymouth	143,200
67002	Bellamy Creek correctional facility - Ionia	135,900
72002	Earnest C. Brooks correctional facility - Muskegon	293,200
48002	Carson City correctional facility - Carson City	292,100
76002	Florence Crane correctional facility - Coldwater	148,800
63002	Deerfield correctional facility - Ionia	138,800
61002	Richard A. Handlon correctional facility - Ionia	135,800
62002	Ionia maximum correctional facility - Ionia	141,400
77002	Lakeland correctional facility - Coldwater	144,300
66002	Muskegon correctional facility - Muskegon	145,300
70002	Pine River correctional facility - St. Louis	141,500
64002	Riverside correctional facility - Ionia	160,900
69002	St. Louis correctional facility - St. Louis	280,400
05083	Information technology services and projects	<u>1,158,569</u>



7,861,269

## 11. Department of Education

Appropriation Number	Item	Reduction Amount
01403	Unclassified positions	59,800
01404	State board/superintendent operations	565,800
04701	Field services operations	114,300
04801	School excellence operations	181,300
03801	Information technology operations	44,484
01601	Worker's compensation	25,000
01605	Central support	45,900
07501	Government services operations	1,000
07601	Safe schools operations	3,000
07602	Administrative law operations	21,400
07701	Education options operations	<u>22,200</u>
		1,084,184

## 12. Department of Environmental Quality

Appropriation Number	Item	Reduction Amount
04419	Leaking underground storage tank cleanup program	2,897,100
02808	Field permitting and project assistance	57,000
04819	Watershed management and nonpoint source	75,000
04721	Compliance and enforcement	5,000
04325	Technical assistance	700
04620	Air quality programs	5,700
04912	Drinking water	7,200

04903	Laboratory services administration	315,600
01150	Information technology services and projects	<u>205,239</u>
		3,568,539

### 13. Executive Office

Appropriation Number	Item	Reduction Amount
00139	Executive Office	<u>252,500</u>
		252,500

### 14. Family Independence Agency

Appropriation Number	Item	Reduction Amount
11010	Salaries and wages	459,300
11040	Contractual services, supplies, and materials	360,000
11210	Commission for the blind	7,100
11350	Demonstration projects	58,800
12050	Travel	208,800
12080	Payroll taxes and fringe benefits	1,418,300
16100	Information technology services and projects	1,481,586
16250	Data system enhancement	352,235
47290	Child care fund	17,304,400
47400	Juvenile justice operations	171,700
62040	Contractual services, supplies, and materials	314,000
62610	Field staff, salaries and wages	2,830,000
72010	Salaries and wages	187,200
72100	Domestic violence prevention and treatment	50,000

72420	Youth in transition	149,000
72550	Foster care payments	300,000
81010	Salaries and wages	84,600
81450	Employment and training support services	750,000
81500	Legal support contracts	153,800
81550	Wage employment verification reporting	100,000
81700	Training and staff development	<u>134,400</u>
		26,875,221

## 15. Higher Education

Appropriation Number	Item	Reduction Amount
01001	Central Michigan University	1,350,100
01501	Eastern Michigan University	1,314,600
02001	Ferris State University	832,800
02501	Grand Valley State University	901,400
04001	Lake Superior State University	214,000
03001	Michigan State University	4,889,700
03501	Michigan Technological University	828,600
04501	Northern Michigan University	780,200
03201	Oakland University	785,800
05001	Saginaw Valley State University	410,900
05501	University of Michigan - Ann Arbor	5,453,400
05801	University of Michigan - Dearborn	419,900
05701	University of Michigan - Flint	361,000
06501	Wayne State University	3,804,700
06001	Western Michigan University	1,885,200
03301	Agricultural experiment station	552,700

03401	Cooperative extension service	476,700
03101	Japan center for Michigan universities	4,600
07002	Higher education database modernization and conversion	3,800
07350	Select student supportive services	32,600
07352	Michigan college/university partnership program	9,800
07368	Morris Hood, Jr. educator development program	2,500
03518	Grant for Michigan resident dental graduates	75,800
03520	Grant for general degree graduates	92,800
03522	Grant for allied health graduates	<u>14,000</u>
		25,497,600

The amount in Section 401 of 2002 PA 144 is reduced to \$6,133,600.00.

The amount in Section 433 of 2002 PA 144 from the agricultural experiment station funding for project GREEN is reduced to \$3,166,600.00.

The amount in Section 433 of 2002 PA 144 from the cooperative extension service funding for project GREEN is reduced to \$2,808,100.00.

## 16. Department of History, Arts and Libraries

Appropriation Number	Item	Reduction Amount
02002	Arts and cultural grants	307,600
03200	Grant to the Detroit public library	26,900
03150	State aid to libraries	184,400
01100	Management services	81,700
01400	Office of film and television services	5,600
02001	Administration	33,400
07511	Mackinac Island park operation	48,500
07516	Historical facilities system	23,800

04100	Historical administration and services	175,200
04180	Thunder Bay national marine sanctuary and underwater preserve	27,000
03050	Library of Michigan operations	295,500
05000	Information technology services and projects	<u>51,464</u>
		1,261,064

## 17. Department of Management and Budget

Appropriation Number	Item	Reduction Amount
01101	Departmentwide services	325,200
01401	Statewide administrative services	575,700
03801	Statewide support services	60,000
00005	Information technology services and projects	<u>2,727,189</u>
		3,688,089

## 18. Michigan Strategic Fund

Appropriation Number	Item	Reduction Amount
01000	Administration	169,400
01100	Job creation services	803,700
03000	Michigan promotion program	<u>300,000</u>
		1,273,100

## 19. Department of Military and Veterans Affairs

Appropriation Number	Item	Reduction Amount
03500	Grand Rapids veterans' home	959,100
03700	D. J. Jacobetti veterans' home	459,100

01026	Civil air patrol	100,000
03800	Information technology services and projects	<u>21,292</u>
		1,539,492

## 20. Department of Natural Resources

Appropriation Number	Item	Reduction Amount
01101	Finance and operations services	303,800
01345	Building occupancy charges	1,175,100
08914	Information technology services and projects	375,953
02416	State parks	7,700
02132	Forest fire protection	237,300
01103	Office of information and education	<u>100,000</u>
		2,199,853

## 21. Department of State

Appropriation Number	Item	Reduction Amount
14100	Operations	102,900
15100	Operations	4,500
15200	Auto regulations	300
19100	Branch operations	117,100
19200	Central records	54,300
19010	Record administration	2,600
50100	Building occupancy charges/rent	184,900
45500	Information technology services and projects	<u>202,039</u>
		668,639

**22. Department of State Police**

Appropriation Number	Item	Reduction Amount
11010	Executive direction	59,500
51140	Fleet leasing	69,500
16010	Human resources	30,300
15010	Management services	74,800
22010	Training administration	137,600
37400	Communications	254,400
11210	State program planning and administration	4,100
41010	Criminal justice information center division	10,300
41140	Traffic safety	2,300
42010	Laboratory operations	113,700
42220	DNA analysis program	11,800
22210	Standards and training	9,800
22240	Officer's survivor tuition program	200
27010	Fire marshal programs	29,900
28010	Emergency management planning and administration	16,900
28120	Hazardous materials programs	1,300
32010	Uniform services	1,671,200
32170	Security guards	3,400
32500	At-post troopers	687,900
37100	Operational support	61,900
37200	Traffic services	29,400
37300	Aviation program	57,900
34010	Criminal investigations	617,700
34160	Federal antidrug initiatives	14,700

51300	Auto theft prevention	1,700
36220	School bus inspections	97,300
61000	Information technology services and projects	<u>1,283,652</u>
		5,353,152

### 23. Department of Treasury

Appropriation Number	Item	Reduction Amount
02401	Revenue	276,700
01901	Administrative services	343,600
01801	Financial services	300,000
09470	Tax increment finance authority payments	500,100
01201	Information technology services and projects	<u>1,009,903</u>
		2,430,303

C. Portions of appropriations financed with special purpose revenue amounting to \$19,804,400.00 contained in the following public acts are reduced as follows:

<u>Public Act</u>	<u>Department</u>	<u>Reduction Amount</u>
2002 PA 517	Career Development	2,000,000
2002 PA 161	Community Colleges	1,300,000
2002 PA 529	Family Independence Agency	3,904,400
2002 PA 144	Higher Education	100,000
2002 PA 517	Michigan Strategic Fund	<u>12,500,000</u>
		19,804,400

D. The reduction totals for the departments and agencies in Section C include the following appropriation items or are predicated upon the following actions:

#### 1. Career Development - Michigan Tobacco Settlement Trust Fund

Appropriation Number	Item	Reduction Amount
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08221	Council of Michigan foundations	2,000,000
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## 2. Community Colleges - Michigan Merit Award Trust Fund

Appropriation Number	Item	Reduction Amount
03550	Postsecondary access student scholarship program	1,300,000

The amount in Section 404 of 2002 PA 161 is reduced to \$700,000.00.

## 3. Family Independence Agency - Temporary Assistance for Needy Families Federal Funds

Appropriation Number	Item	Reduction Amount
32550	Day care services	500,000
72260	Family preservation and prevention services	3,133,700
72400	Teenage parent counseling	208,200
72760	Adoption support services	25,000
81450	Employment and training support services	<u>37,500</u>
		3,904,400

## 4. Higher Education - Michigan Tobacco Settlement Trust Fund

Appropriation Number	Item	Reduction Amount
07010	Rare isotope accelerator	100,000

The amount in Section 437 of 2002 PA 144 is reduced to \$1,900,000.00.

## 5. Michigan Strategic Fund - Michigan Tobacco Settlement Trust Fund

Appropriation Number	Item	Reduction Amount
03020	Life sciences corridor initiative	12,500,000

The State Budget Director is authorized to take any and all actions necessary to implement the provisions of this Order to reduce expenditures authorized by appropriations as specified above for the fiscal year beginning on October 1, 2002 and ending on September 30, 2003.

This Order is effective upon approval by the appropriations committees of the House of Representatives and Senate, as provided in Section 391 of the Management and Budget Act, 1984 PA 431, MCL 18.1391.

Given under my hand and the Great Seal of the State of Michigan this 19th day of February, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER NO. 2003 - 4**

**MICHIGAN LAND USE LEADERSHIP COUNCIL**

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, Article V, Section 4 of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes;

WHEREAS, the State of Michigan is experiencing the outward migration of population and economic activity from Michigan's urban areas resulting in land use change in rural and urban areas;

WHEREAS, outward migration and land use change has significantly impacted development patterns; traffic, air, and water resources; historic, cultural, and scenic resources; open space, wetlands, and agriculture; the availability of affordable housing; and the ability of this State and its local governments to finance public facilities and service improvements;

WHEREAS, Michigan's sprawling low-density growth pattern is projected to consume additional land at a rate that exceeds six to eight times the rate of population growth, creating a strain on the efficient provision of public services;

WHEREAS, Michigan's land-based industries are important to the economy of this State including agriculture, Michigan's second largest industry, which annually generates nearly \$40 billion in economic activity, tourism, which generates nearly \$12 billion in economic activity annually, and forestry, which annually generates nearly \$9 billion in economic activity;

WHEREAS, between 1982 and 1997, Michigan lost over 1 million acres of farmland;

WHEREAS, Michigan's vital natural resources, which are an important economic, environmental, and social aspect of this State, continue to be fragmented and impacted by encroaching development;

WHEREAS, the unplanned, uncontrolled consumption of open space not only impairs the quality of Michigan's land, water, and ecosystems, but will also threaten Michigan's social and economic well-being if not met with strong leadership and vision;

WHEREAS, state-initiated land use coordination efforts will result in cost savings; better prioritization of limited state resources spent on public infrastructure; better stewardship of Michigan's agricultural, natural, historic, scenic, and cultural resources; an increased supply of affordable housing; orderly, safe, and well-planned urban and rural communities; preservation of important historic and scenic resources; and an expansion in private economic development activities;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and the laws of the State of Michigan, order the following:

## **I. MICHIGAN LAND USE LEADERSHIP COUNCIL**

- A. The Michigan Land Use Leadership Council (“Council”) is created within the Department of Environmental Quality.
- B. The Council shall have 26 members.
- C. The Speaker of the House of Representatives, the House Minority Leader, the Senate Majority Leader, and the Senate Minority Leader each may designate one member of the Michigan Legislature to participate as members of the Council.
- D. From a list of candidates recommended by the Speaker of the House of Representatives and the Senate Majority Leader, the Governor shall appoint 11 members of the Council.
- E. After consultation with the House Minority Leader and the Senate Minority Leader, the Governor shall appoint 11 additional members of the Council.
- F. The Directors of the Departments of Agriculture, Consumer and Industry Services, Environmental Quality, History, Arts and Libraries, Natural Resources, and Transportation, or their designees, shall serve as ex officio, non-voting participants at meetings of the Council.
- G. Members of the Council appointed by the Governor shall serve at the pleasure of the Governor.
- H. A vacancy on the Council shall be filled in the same manner as the original appointment.

## **II. CHARGE TO THE COUNCIL**

- B. The Council is advisory in nature and shall:
  - 1. Identify the trends, causes, and consequences of unmanaged growth and development.
  - 2. Provide recommendations to the Governor and the Legislature designed to minimize the negative economic, environmental, and social impacts of current land use trends; promote urban revitalization and reinvestment; foster intergovernmental and public-private land use partnerships; identify new growth and development opportunities; and protect Michigan’s natural resources, including farmland and open space, and better manage the cost of public investments in infrastructure to support growth.
- B. In exercising its duties the Council may:
  - 1. Evaluate the effectiveness of current state, regional, and local land use laws, including but not limited to zoning and planning laws, housing laws, building codes, and annexation laws.
  - 2. Survey developers, builders, contractors, farmers, planners, engineers, surveyors, environmentalists, historic preservationists, attorneys, academics, citizen groups, others in the private sector, state agencies,

and local governmental agencies about problems associated with current land use trends and current policies and suggested policy changes.

3. Stimulate statewide discussion on problems related to current land use trends, identifying best development practices and alternative land use and capital investment solutions.

4. Review model legislation and studies on land use techniques and collect information on states that have developed innovative solutions to similar land use challenges.

5. Identify any state programs or regulations that directly or indirectly encourage or subsidize low-density development and outward migration from urban areas.

6. Identify public information, training, and technical assistance related to land use needed by state, regional, and local agencies.

7. Identify incentives or techniques for sharing the benefits of economic growth and eliminating or reducing fiscal competition among local units of government and for fostering intergovernmental cooperation.

8. Propose innovative and cooperative land use approaches that will accommodate and guide growth and development through cooperation and partnerships on a local and regional basis; ensure the construction of adequate supporting services and infrastructure, including utilities, storm water management systems, and transportation; provide opportunities for or eliminate barriers to affordable housing; protect the environment and historic and scenic resources; enhance community livability; preserve farmland; and minimize negative impacts on natural resources.

C. The Council shall complete its work and issue a final report and recommendations, including any proposed legislation, to the Governor, the Clerk of the Michigan House of Representatives, and the Secretary of the Michigan Senate by August 15, 2003.

### **III. OPERATIONS OF THE COUNCIL**

A. The Governor shall designate two members of the Council appointed by the Governor as Co-Chairpersons who shall share equally the powers of directing the Council. The Co-Chairpersons shall serve as Co-Chairpersons at the pleasure of the Governor.

B. The Council shall be staffed by personnel within the Department of Environmental Quality, as designated by the Director. The Directors of the Departments of Agriculture, Consumer and Industry Services, History, Arts, and Libraries, Natural Resources, and Transportation shall provide personnel assistance to the Council at the request of the Director of the Department of Environmental Quality.

C. The Co-chairpersons shall appoint an executive coordinator for the Council.

D. The Council may adopt procedures, not inconsistent with Michigan law and this Order, governing its organization and operations. The Council may establish subcommittees as it deems advisable.

E. The Council shall meet at the call of the Co-chairpersons and as may be provided in procedures adopted by the Council.

F. A majority of the serving members constitutes a quorum for the transaction of business of the Council at a meeting, notwithstanding the existence of one or more vacancies. The Council shall act by a majority vote of its serving members.

G. In developing recommendations, the Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may consult with outside experts in order to perform its duties.

H. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available appropriations.

I. The Council may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department of Environmental Quality deems advisable and necessary, in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

J. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

K. Members of the Council appointed by the Governor shall refer all legal, legislative, and media contacts to the Department of Environmental Quality.

#### **IV. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this State or of any political subdivision of this State shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council

B. The invalidity of any portion of this Order shall not affect the validity of the remainder the Order

This Executive Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 27th day of February, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No. 2003 - 5**

**GOVERNOR'S CHRONIC WASTING DISEASE TASK FORCE**

**EXECUTIVE OFFICE OF THE GOVERNOR**

WHEREAS, Article V, Section 4 of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes;

WHEREAS, Section 1 of 1931 PA 195, MCL 10.51, authorizes and empowers the Governor, at such times and for such purposes as the Governor deems necessary or advisable, to create special commissions consisting of as many members as the Governor deems appropriate;

WHEREAS, chronic wasting disease is a neurological disease of deer and elk, a transmissible spongiform encephalopathy similar to mad cow disease in cattle and scrapie in sheep, characterized by loss of body condition, behavioral abnormalities, and death;

WHEREAS, chronic wasting disease can reduce the growth and size of deer and elk populations in areas where the prevalence of the disease is high, and is of increasing concern for wildlife managers across North America;

WHEREAS, there is no reliable live animal testing available for diagnosing chronic wasting disease, nor a treatment available, and information about the spread and long term implications of the disease is incomplete;

WHEREAS, once a disease thought to be limited in the wild to a relatively small endemic area in northeastern Colorado, southeastern Wyoming and southwestern Nebraska, chronic wasting disease has recently been found in new areas of Colorado and Nebraska, among wild deer in Illinois, New Mexico, South Dakota, Wisconsin and Saskatchewan, and among captive herds in Colorado, Nebraska, South Dakota, Minnesota, Montana, Oklahoma, Kansas, Wisconsin, Saskatchewan and Alberta;

WHEREAS, the spread of chronic wasting disease beyond its historic range threatens more than elk and deer in Michigan. If allowed to spread into Michigan, the disease has the potential to negatively impact other wildlife populations, limit interest in recreational and commercial use of deer and elk, and negatively impact rural economies;

WHEREAS, the increased occurrence of chronic wasting disease in regionally diverse locations necessitates a coordinated state response and an escalation in research, surveillance, monitoring, and management activities focused on containing and managing this lethal deer and elk disease and establishing preventative measures to keep the disease out of Michigan;

WHEREAS, the Natural Resources Commission, the Agriculture Commission, the Department of Natural Resources, and the Department of Agriculture have worked well to date to institute policies

and procedures for the Departments of Natural Resources and Agriculture to limit the threat posed by the disease; and

WHEREAS, greater partnership among the Michigan Departments of Agriculture, Community Health, Environmental Quality, Natural Resources, State Police, and Transportation, as well as other state, federal, and provincial, and local agencies in the Great Lakes region and beyond is necessary to prevent and control the spread of chronic wasting disease.

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the state of Michigan, pursuant of the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

### **I. GOVERNOR’S CHRONIC WASTING DISEASE TASK FORCE**

- A. The Governor’s Chronic Wasting Disease Task Force (“Task Force”) is created within the Executive Office of the Governor.
- B. The members of the Task Force shall include five members of the public appointed by the Governor.
- C. The Directors of the Departments of Agriculture, Community Health, Environmental Quality, Natural Resources, State Police, and Transportation, or their designates, shall serve as ex officio, non-voting members of the Task Force.
- D. The members of the Task Force shall serve at the pleasure of the Governor.
- E. A vacancy on the Task Force shall be filled in the same manner as the original appointment.

### **II. CHARGE TO THE TASK FORCE**

- A. The Task Force shall act in an advisory capacity to the Executive Office of the Governor and shall:
  - 1. Review existing state efforts regarding the prevention of chronic wasting disease.
  - 2. Develop and make recommendations to implement a comprehensive and coordinated state chronic wasting disease prevention plan.
  - 3. Make recommendations on the clarification of enforcement authority to prevent the spread of chronic wasting disease into Michigan, and if ever detected in Michigan, to prevent its spread within this state.
  - 4. Recommend a process for the development of a widely-accessible reference database of available and current information concerning chronic wasting disease.
  - 5. Identify mechanisms to promote effective communications and coordination of efforts between state, federal, provincial, and local officials regarding chronic wasting disease.
- B. The Task Force shall complete its work and issue a final report and recommendations, including any proposed legislation, to the Governor by September 19, 2003.

### **III. OPERATIONS OF THE TASK FORCE**

- A. The Governor shall designate one member of the Task Force as Chairperson to serve at the pleasure of the Governor.



B. The Chairperson shall select from among the members of the Task Force a Vice-Chairperson and a Secretary. Task force staff shall assist the Secretary with recordkeeping responsibilities.

C. The Task Force shall be staffed by personnel from and assisted by the Departments of Agriculture, Community Health, Environmental Quality, Natural Resources, State Police, and Transportation, as requested by the Executive Office of the Governor.

D. The Task Force may adopt procedures, not inconsistent with Michigan law and this executive order, governing its organization and operations. The Task Force may establish subcommittees as it deems advisable.

E. The Task Force shall meet at the call of the Chairperson, or the Vice-Chairperson or other designee of the Chairperson, and as may be provided in procedures adopted by the Task Force.

F. The Task Force shall act by a majority vote of its serving members. A majority of the members present and voting constitutes a quorum for the transaction of business of the Task Force at a meeting.

G. In developing recommendations, the Task Force may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Task Force may consult with outside experts in order to perform its duties, including but not limited to experts at state universities, state agencies, and federal agencies such as the United States Department of Agriculture and the United States Fish and Wildlife Service.

H. Members of the Task Force shall serve without compensation. Members of the Task Force may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available appropriations.

I. The Task Force may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the Executive Office of the Governor deems advisable and necessary, in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

J. The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person.

K. Members of the Task Force shall refer all legal, legislative, and media contacts to the Executive Office of the Governor.

#### **IV. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Task Force, or to any member or representative of the Task Force, any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force so far as is compatible with its, his, or her duties. Free

access shall also be given to any books, records or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Task Force.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder the order.

This Order is effective upon filing.

Given under my hand and the Great Seal of the state of Michigan this 28th day of February, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 6**

**ASSISTANT ADJUTANT GENERAL FOR HOMELAND SECURITY**

**MICHIGAN HOMELAND PROTECTION BOARD**

**DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

**DEPARTMENT OF STATE POLICE**

WHEREAS, under Article V, Section 1 of the Michigan Constitution of 1963, the executive power is vested in the Governor;

WHEREAS, under Article V, Section 12 of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the armed forces and may call them out to execute the laws, suppress insurrection, and repel invasion;

WHEREAS, under Section 171 of the Michigan Military Act, 1967 PA 150, MCL 32.571, the Governor may organize, disband, arrange, transfer, convert, alter, consolidate, or attach units of the military establishment;

WHEREAS, under Section 181 of the Michigan Military Act, 1967 PA 150, MCL 32.581, the Governor has the authority to appoint and promote officers and warrant officers of the organized militia.

WHEREAS, on September 11, 2001, the nation was attacked by terrorists, requiring the State of Michigan to maintain a vigilant focus on addressing the threat that terrorism may pose to the safety and security of our citizens and visitors;

WHEREAS, it is necessary and proper to undertake all prudent measures to detect, prepare for, prevent, protect against, respond to, and recover from violence or threats of violence from terrorist attacks or threats, and to maintain peace and good order;

WHEREAS, there is a continuing need to assess and evaluate the security of the State of Michigan and to assure that all departments and agencies are communicating and coordinating efforts to address threats to our homeland security;

WHEREAS, it is critical that the Governor be continuously apprised of homeland security issues and be provided the most accurate and prompt information available to ensure that all relevant factors are appropriately weighed in the development and implementation of effective and coordinated homeland security measures;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the authority vested in me by the Michigan Constitution of 1963 and the laws of the State of Michigan, order:

## **I. ASSISTANT ADJUTANT GENERAL FOR HOMELAND SECURITY**

A. The office of Assistant Adjutant General for Homeland Security is created within the Department of Military and Veterans Affairs. The Adjutant General, after consultation with the Governor, shall appoint from among the qualified federally-recognized officers of the Michigan National Guard an Assistant Adjutant General for Homeland Security (“Assistant Adjutant General”), with all responsibilities and privileges accorded by Section 304 of the Michigan Military Act, 1967 PA 150, MCL 32.704, who shall serve at the pleasure of the Governor.

B. The Assistant Adjutant General shall be the chief advisor to the Governor, the Adjutant General, the Director of the Department of State Police and other department directors and agency heads regarding the development of policies, programs, and procedures to protect, enhance, and manage Michigan’s homeland security.

C. The Assistant Adjutant General shall report directly to the Adjutant General.

D. The Assistant Adjutant General shall take and subscribe to the oath of office required under Section 217 of the Michigan Military Act 1967 PA 150, MCL 32.617.

## **II. CHARGE TO THE ASSISTANT ADJUTANT GENERAL FOR HOMELAND SECURITY**

A. The mission of the Assistant Adjutant General is to act as the Governor’s liaison with all state, provincial, local, tribal, and federal agencies, and private entities to develop and coordinate the implementation of a comprehensive state strategy to secure the State of Michigan from terrorist threats or attacks. The Assistant Adjutant General shall facilitate the coordinated development of state homeland security policy.

B. The Assistant Adjutant General shall perform the functions necessary to carry out this mission, including coordination of the assessment, development, and evaluation of the Executive Branch’s plans to detect, prepare for, prevent, protect against, respond to, and recover from terrorist threats or attacks.

C. In performing functions assigned under this Order, the Assistant Adjutant General shall work with governmental agencies, as appropriate, to do all of the following:

1. Coordinate efforts, together with the Director of the Department of Information Technology and the Director of the Department of State Police, to ensure that all executive departments and agencies have the technological capabilities and resources to communicate with other state departments and agencies and to achieve interoperability of information, technology, and communication systems relating to terrorists’ activities or possible terrorist acts.
2. Coordinate efforts, together with the Director of the Department of State Police, to prepare for, prevent, and mitigate the consequences of terrorist threats or attacks.
3. Coordinate efforts, together with the Director of the State Police and the Adjutant General, to protect this state and its vital resources and critical infrastructure from terrorist attacks.

4. Coordinate the development of policies to respond to and promote recovery from terrorist threats or attacks.

D. The Assistant Adjutant General shall coordinate a periodic review and assessment of the legal authorities available to the Governor, departments, and agencies to permit them to perform necessary functions related to homeland security efforts.

### **III. MICHIGAN HOMELAND PROTECTION BOARD**

A. The Michigan Homeland Protection Board (“Board”) is created as an advisory body to the Governor within the Department of State Police.

B. The Board shall develop, implement, and revise as needed, an effective and coordinated homeland security strategy. The Board shall refine and update the state’s domestic preparedness and homeland security strategies, and shall continue to strengthen the state’s capabilities to detect, prepare for, prevent, secure and protect against, respond to and recover from, any terrorist threats or attacks.

C. The members of the Michigan Homeland Protection Board shall be the Director of the Department of State Police, the Adjutant General, the Director of the Department of Agriculture, the Director of the Department of Civil Rights, the Director of the Department of Community Health, the Director of the Department of Environmental Quality, the Director of the Department of Information Technology, and the Director of the Department of Transportation, or their designees.

D. The Director of the Department of State Police shall serve as Chairperson of the Board.

E. The Assistant Adjutant General shall attend meetings of the Board, act as Executive Secretary to the Board and, with input from the Department of State Police, be responsible for preparing the Board agenda, ensuring that necessary papers are prepared, recording Board actions, and other tasks related to the duties of the Board as may be assigned by the Board.

F. The Board may adopt procedures, not inconsistent with Michigan law and this Order, governing its organization and operations. The Board may establish such committees and subcommittees as it deems advisable.

G. The Board shall meet at the call of the Chairperson, at the request of the Governor or his or her designee, and as may be provided in procedures adopted by the Board.

H. The Michigan Homeland Security Task Force referenced in Executive Directive No. 2002-1 is abolished.

I. The Homeland Security Advisory Council is created to advise the Board and to provide input, advice, and recommendations to the Board on any issues deemed necessary by the Board. The Homeland Security Advisory Council shall consist of the Deputy State Director of Emergency Management, the Assistant Adjutant General, and other members as directed by the Board. The Deputy State Director of Emergency Management shall serve as the Chairperson of the Homeland Security Advisory Council.

J. The Homeland Security Advisory Council may with direction from the Board appoint advisory groups consisting of government officials and members of the public to solicit input, receive recommendations, and assist in the development of plans and strategies on homeland security issues, including but not limited to agriculture and food supply; communications and cyber systems; critical infrastructure protection; energy; hazardous and radioactive materials; key facilities and special events; transportation systems; water systems; public health and hospitals; indications and warnings, response equipment and exercises; strategic planning; and training and technical assistance.

#### **IV. DEPARTMENT OF STATE POLICE**

A. As required by the Michigan Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421:

1. The Director of the Department of State Police or his or her designee shall continue to serve as the State Director of Emergency Management and State Director of Homeland Security.
2. The Emergency Management Division within the Department of State Police shall continue to coordinate the state's emergency management activities for all emergencies and disasters.
3. The commanding officer of the Emergency Management Division shall continue to serve as the Deputy State Director of Emergency Management and Deputy State Director of Homeland Security.
4. All state departments and agencies shall cooperate with the Emergency Management Division.

B. The State Director of Emergency Management shall direct homeland security response activities under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421.

C. The Emergency Management Division shall continue to serve as the focal point for all emergency and disaster response to ensure that response activities are carried out in a coordinated manner.

#### **V. MISCELLANEOUS**

A. The Adjutant General shall make internal organizational changes within the Department of Military and Veterans Affairs as may be administratively necessary to implement this Order.

B. The Director of the Department of State Police shall make internal organizational changes within the Department of State Police as may be administratively necessary to implement this Order.

C. Departments and agencies shall, to the extent permitted by law, make available to the Assistant Adjutant General and the Director of the Department of State Police all information relating to terrorist threats and activities. The Assistant Adjutant General and the Director of the Department of State Police shall encourage and invite the participation of local governments and private entities, as appropriate.

D. Departments and autonomous agencies shall actively support the Assistant Adjutant General and the Homeland Protection Board by:

1. Assigning key personnel at the request of the Assistant Adjutant General or the State Emergency Management Director to actively participate in this state's homeland security efforts and to assist in the development and implementation of homeland security strategy, goals, and objectives.
2. Ensuring implementation of Board goals and objectives identified as requiring action by a particular department or agency.

E. The active collaboration in homeland security efforts by all department directors and autonomous agency heads will ensure that the State of Michigan's emergency management and homeland security system will be better prepared to respond to terrorist threats or attacks.

F. Executive Directive No. 2002-1 is repealed.

G. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 15th day of April, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 7**

**DETROIT MEDICAL CENTER FISCAL STABILITY TASK FORCE**

**HOSPITAL ADVISORY COUNCIL**

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 1 of 1931 PA 195, MCL 10.51, authorizes and empowers the Governor, at such times and for such purposes as the Governor deems necessary or advisable, to create special advisory bodies consisting of as many members as the Governor deems appropriate;

WHEREAS, the health and welfare of Michigan's citizens are of paramount importance and assistance from the State of Michigan in meeting the health care needs of Michigan residents is essential;

WHEREAS, Michigan hospitals play an integral role in maintaining the health of individuals served within our complex and comprehensive health care system;

WHEREAS, the Detroit Medical Center ("DMC") provides vital medical services to Michigan residents, and its Detroit Receiving Hospital is distinguished as the only level-one emergency trauma center in Wayne County and has been certified by the American College of Surgeons with the capability to handle victims of major bioterrorism incidents and serious burn victims;

WHEREAS, the fiscal crisis at the DMC threatens the delivery of vital medical services to Michigan residents;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant of the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

**I. DETROIT MEDICAL CENTER FISCAL STABILITY TASK FORCE**

A. The Detroit Medical Center Fiscal Stability Task Force ("Task Force") is created as an advisory body to the Governor within the Executive Office of the Governor.

B. The Task Force shall be composed of 9 members appointed by the Governor in the following manner:

1. Three members appointed by the Governor.
2. Three members appointed by the Governor based upon recommendation by the County Executive for the County of Wayne.
3. Three members appointed by the Governor based upon recommendations from the Mayor of the City of Detroit.



C. The Director of the Department of Community Health and the State Treasurer or their designees shall serve as ex-officio, non-voting members of the Task Force.

D. The Governor shall serve as Chairperson of the Task Force and may designate one member of the Task Force to serve as Vice-Chairperson, who shall serve at the pleasure of the Governor.

## **II. CHARGE TO THE TASK FORCE**

A. The Task Force shall act in an advisory capacity to the Governor to assist the State of Michigan in assuring continued access to critical hospital services. The Task Force shall assess fiscal operations, governing structures, and ethical compliance with the goal of establishing transparency, accountability and stability.

B. The Task Force shall advise the Governor on recent and on-going financial difficulties and governance matters of the DMC, its subsidiaries and affiliates, focusing on the following topics that have been identified as areas of concern:

1. Fiscal issues;
2. Operational and oversight issues; and
3. Ethical and legal concerns.

C. The Task Force shall also provide other information or advice regarding the delivery of health care services by the DMC and its subsidiaries and affiliates and may obtain input from the DMC, as requested by the Governor.

D. In addition, the Task Force shall issue reports that address these concerns and provide recommendations at times designated by the Governor.

E. The Task Force shall complete its work not later than December 31, 2003 or by an earlier date, as determined by the Governor.

## **III. OPERATIONS OF THE TASK FORCE**

A. The Task Force shall be staffed by personnel from and assisted by the Department of Community Health, Department of Treasury, the Department of Management and Budget, and the Executive Office of the Governor, as directed by the Governor.

B. The Task Force may adopt procedures, not inconsistent with Michigan law and this Order, governing its organization and operations and may establish committees and request public participation on advisory panels as it deems necessary. The Task Force may also adopt, reject, or modify any recommendations proposed by committees or advisory panels.

C. The Task Force shall meet at the call of the Governor or the Vice-Chairperson, and as may be provided in procedures adopted by the Task Force.

D. Except as otherwise provided in this subdivision the Task Force shall make recommendations to the Governor. Recommendations by the Task Force shall require the affirmative vote by at least one member appointed under Section I.B.1, one member appointed under Section I.B.2, and one member appointed under Section I.B.3.

E. In developing recommendations, the Task Force may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Task Force may also consult with outside experts in order to perform its duties, including but not limited to experts in the private sector, organized labor, government agencies, and at institutions of higher education.

F. Members of the Task Force shall serve without compensation and may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available appropriations.

G. The Task Force may hire or retain contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the Chairperson deems advisable and necessary, in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

H. The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person.

I. Members of the Task Force shall refer all legal, legislative, and media contacts to the Executive Office of the Governor.

#### **IV. HOSPITAL ADVISORY COUNCIL**

A. The Hospital Advisory Commission created by Executive Order No. 2002-15 is abolished.

B. Executive Order No. 2002-15 is rescinded in its entirety.

#### **V. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Task Force, or to any member or representative of the Task Force, any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Task Force.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder the order.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 19th day of June, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 8**

**GOVERNOR’S COUNCIL OF ECONOMIC ADVISORS**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 1 of 1931 PA 195, MCL 10.51, authorizes and empowers the Governor, at such times and for such purposes as the Governor deems necessary or advisable, to create special advisory bodies consisting of as many members as the Governor deems appropriate;

WHEREAS, there is a continuing need to improve the economy of the State of Michigan and to encourage actions that increase employment and business activity;

WHEREAS, the Governor of the State of Michigan is continually faced with policy decisions that impact the economy;

WHEREAS, it is crucial that the Governor is able to access the best advice and latest findings in making economic policy decisions;

WHEREAS, a council of economic advisors drawn from members of academia, business, labor, and government can monitor economic conditions, provide an informed view of the economic impact of policy decisions, and make recommendations to the Governor on economic issues;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

**I. GOVERNOR’S COUNCIL OF ECONOMIC ADVISORS**

A. The Governor’s Council of Economic Advisors (“Council”) is created as an advisory body within the Department of Consumer and Industry Services.

B. The Governor shall appoint 47 members to the Council. Of the initial members appointed by the Governor, 16 members shall be appointed to 2-year terms, 16 members shall be appointed to 3-year terms, and 15 members shall be appointed to 4-year terms. After the initial appointments, members of the Council shall be appointed to 4-year terms. A vacancy on the Council shall be filled in the same manner as the original appointment.

C. The Director of the Department of Consumer and Industry Services, the Chief Executive Officer of the Michigan Economic Development Corporation, and the State Treasurer, or their designees, shall serve as ex officio, non-voting members of the Council.

## **II. CHARGE TO THE COUNCIL**

A. The Council shall act in an advisory capacity to the Governor and shall do all of the following:

1. Gather timely and authoritative information concerning economic developments and economic trends, both current and prospective, including but not limited to the current and projected economic outlook for the State of Michigan, the region, the nation, and the international economy.
2. Analyze and interpret economic development and economic trends for the purpose of determining whether the trends interfere, or are likely to interfere, with the achievement of economic policy objectives.
3. Evaluate the various programs and activities of state government to determine the extent they contribute, and the extent they impede, the achievement of economic policy objectives that have a significant positive economic impact for Michigan residents, businesses, and workers.
4. Develop and recommend to the Governor economic policies that promote job creation and economic growth and that diminish the effect of economic fluctuation.
5. Provide other information or advice regarding the economy or economic policy as requested by the Governor.

## **III. OPERATIONS OF THE COUNCIL**

- A. The Director of the Department of Consumer and Industry Services, or his or her designee, shall serve as the Chairperson of the Council.
- B. The Chairperson shall select from among the members of the Council a Vice-Chairperson and a Secretary. Council staff shall assist the Secretary with recordkeeping responsibilities.
- C. The Council shall be staffed by personnel from and be assisted by the Department of Consumer and Industry Services.
- D. The Council may adopt procedures, not inconsistent with Michigan law and this Order, governing its organization and operations. The Council may establish committees and request public participation on advisory panels as it deems necessary.
- E. The Council shall meet at the call of the Chairperson, the Vice-Chairperson, or other designee of the Chairperson, and as may be provided in procedures adopted by the Council.
- F. The Council shall act by a majority vote of its serving members. A majority of the members present and voting constitutes a quorum for the transaction of business of the Council at a meeting.
- G. In developing recommendations, the Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may consult with outside experts in order to perform its duties, including but not limited to experts in the private sector, organized labor, government agencies, and institutions of higher education.

H. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available appropriations.

I. The Council may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department of Consumer and Industry Services deems advisable and necessary, in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

J. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

K. Members of the Council shall refer all legal, legislative, and media contacts to the Director of the Department of Consumer and Industry Services.

#### **IV. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder the order.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 30th day of July, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 9**

**COMMITTEE ON JUVENILE JUSTICE**

**FAMILY INDEPENDENCE AGENCY**

**AMENDMENT OF EXECUTIVE ORDER No. 1993 – 14**

WHEREAS, on July 27, 1993, the Committee on Juvenile Justice was established by Executive Order 1993-4, which was subsequently amended by Executive Orders 1994-8 and 1997-11;

WHEREAS, it is necessary to further amend Executive Order 1993-14 so that the composition of the Committee on Juvenile Justice conforms to the requirements of federal law and reflects both the size and diversity that enables the most effective fulfillment of the Committee's mission;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant of the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order that Executive Order 1993-14 be amended to read as follows:

WHEREAS, on May 7, 1976, the Advisory Committee on Juvenile Justice was established by Executive Order 1976-6;

WHEREAS, on February 6, 1990, the Committee on Juvenile Justice was re-established within the Department of Management and Budget by Executive Order 1990-4;

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which the Governor considers necessary for efficient administration;

WHEREAS, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974, 42 USC 5601 to 5785 ("Act"), to provide a comprehensive and coordinated approach to the problems of juvenile delinquency and a funding mechanism for projects and programs intended to reduce and prevent delinquency;

WHEREAS, the Act makes funds available to participating states to assist in planning, establishing, operating, coordinating and evaluating, either directly or through grants to or contracts with public or private agencies, projects to improve education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile justice;

WHEREAS, 42 USC 5633(a)(3) requires that any state receiving money create an advisory group, appointed by the chief executive officer of the state, in order to advise the state planning agency

on juvenile justice and delinquency prevention matters and to advise the state planning agency on the award of grants to state and local government and private non-profit agencies and colleges and universities;

WHEREAS, it is in the best interests of the State of Michigan to have the advice of a committee constituted to review and recommend policy in the area of reducing juvenile delinquency and improving the state's system of juvenile justice;

NOW THEREFORE, pursuant to the Michigan Constitution of 1963, Michigan law, and the Act, it is ordered:

## **I. CREATION OF COMMITTEE ON JUVENILE JUSTICE**

A. The Committee on Juvenile Justice ("Committee") is created as an advisory body within the Family Independence Agency ("Department"). The Department is designated as the state agency responsible for the supervision, preparation, and administration of the comprehensive Juvenile Justice and Delinquency Prevention Plan required by the Act ("Plan"). The Director of the Department shall provide appropriate staff support for the Committee.

## **II. RECISSION OF EXECUTIVE ORDERS**

A. Executive Orders 1976-6 and 1990-4 are rescinded. The rescissions are effective as of the date of this Order. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of Management and Budget Grant Management Division, "The State Planning Agency," are transferred to the Family Independence Agency. Appropriate staff and equipment are transferred from the Department of Management and Budget to the Family Independence Agency.

## **III. COMMITTEE MEMBERSHIP**

A. The Governor shall appoint a Committee on Juvenile Justice consisting of 23 members. Members appointed shall have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency. The members of the Committee shall be appointed for terms of 3 years. Members appointed shall include representatives of all of the following:

1. At least 1 local elected official representing general purpose local government.
2. At least 2 representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers.
3. At least 2 representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services.
4. At least 2 representatives of nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children.
5. At least 2 volunteers who work with delinquents or potential delinquents.



6. At least 2 youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities.

7. At least 2 persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion.

8. At least 2 persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.

B. Of the members appointed, a majority of the members may not be full-time employees of federal, state, or local government. At least one-fifth of the members appointed shall be under the age of 24 at the time of appointment. At least 3 of the members appointed must have been or must be at the time of appointment under the jurisdiction of the juvenile justice system. A vacancy on the Committee shall be filled in the same manner as the original appointment.

C. The Governor shall designate a chairperson of the Committee. A quorum shall consist of a majority of the members serving.

D. Members of the Committee shall receive no compensation for their services as members and may be reimbursed only for those actual expenses incurred which are reimbursable under the laws, rules, and practices of the state, subject to available appropriations.

#### **IV. CHARGE TO THE COMMITTEE**

A. The Committee shall do all of the following:

1. Participate in the development and review of the federally-required Juvenile Justice and Delinquency Prevention Plan.

2. Advise the Department, its Director, and the Governor on matters relating to the juvenile justice system in this state.

3. Submit at least annually to the Governor and the Legislature recommendations regarding state compliance with federal program requirements under the Act.

4. Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

B. The Committee shall be afforded an opportunity to review and comment, not later than 30 days after submission, on all juvenile justice and delinquency prevention grant applications submitted to the Department.

C. The Committee may:

1. Participate in monitoring state compliance with federal program requirements as requested by the Department.

2. Advise on local criminal justice advisory board composition.

3. Review progress and accomplishments of projects funded under the Plan.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 30th day of July, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 10**

**TEMPORARY SUSPENSION OF ADMINISTRATIVE RULES FOR  
GASOLINE VAPOR PRESSURE**

WHEREAS, because significant portions of the State of Michigan have been experiencing the effects of a severe power outage, resulting in the loss of electrical power for countless Michigan residents, communities, and businesses, and causing serious hardship for the citizens of the State of Michigan, a state of emergency was declared by proclamation on August 15, 2003 in the counties of Macomb, Monroe, Oakland, Washtenaw, and Wayne (“State of Emergency”);

WHEREAS, Section 5(1)(a) of the Emergency Management Act, 1976 PA 390, MCL 30.405, empowers the Governor to suspend a regulatory statute, order, or rule prescribing the procedures for the conduct of state business when strict compliance with the statute, order, or rule would prevent, hinder, or delay necessary action in coping with the disaster or emergency;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in me by the Michigan Constitution of 1963 and the provisions of the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order:

1. Administrative rules promulgated by the Department of Agriculture, Laboratory Division, dealing with gasoline vapor pressure, entitled, “Regulation No. 561-Dispensing Facility Reid Vapor Pressure,” 1997 AACCS, R 285.561.1 to 285.561.10, are suspended in the areas of the State of Michigan subject to the State of Emergency and the counties of St. Clair and Livingston for the duration of the State of Emergency.

This Order is effective immediately.

Given under my hand and the Great Seal of the State of Michigan this 15th day of August, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 11**

**STATE OF ENERGY EMERGENCY**

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 3 of 1982 PA 191, MCL 10.83, authorizes the Governor to declare a State of Energy Emergency upon notification of an impending energy emergency by the Energy Advisory Committee, or upon the Governor's own initiative if the Governor finds that an energy emergency exists or is imminent;

WHEREAS, on August 14, 2003, a widespread and unprecedented loss of electrical power affected significant portions of the State of Michigan;

WHEREAS, the power outage adversely impacted operations at eight petroleum refineries throughout the United States and Canada, and damaged Michigan's only refinery, which may be unable to meet demand for gasoline in the near future, resulting, without further action, in a lack of adequate available gasoline in parts of this state;

WHEREAS, on August 20, 2003, the Public Service Commission notified the Energy Advisory Committee of an impending and imminent energy emergency involving a dwindling supply of gasoline in Southeast Michigan due to the power outage and damage to the refinery;

WHEREAS, it is in the best interests of the State of Michigan that appropriate measures be taken in response to an imminent energy emergency to ensure that gasoline supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. The State of Emergency proclaimed on August 15, 2003 for the counties of Macomb, Monroe, Oakland, Washtenaw, and Wayne is rescinded.
2. A State of Energy Emergency is declared. Pursuant to Section 3 of 1982 PA 191, MCL 10.83, the State of Energy Emergency is effective until the earlier of either of the following:
  - a. A finding by the Governor that the energy emergency no longer exists.
  - b. November 19, 2003.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 21st day of August, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 12**

**TEMPORARY SUSPENSION OF RULES FOR GASOLINE VAPOR PRESSURE**

WHEREAS, under 1982 PA 1981, MCL 10.83, during an energy emergency the Governor may by executive order suspend a rule of a state agency if strict compliance with the rule will prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, Executive Order 2003-11 declared a State of Energy Emergency beginning on August 21, 2003;

WHEREAS, appropriate measures must be taken in response to the energy emergency to ensure that gasoline supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that the Regulation No. 561, entitled, "Dispensing Facility Reid Vapor Pressure," promulgated by the Laboratory Division of the Department of Agriculture, 1997 AACRS, R 285.561.1 to 285.561.10, be suspended for the duration of the energy emergency declared in Executive Order 2003-11. Additionally, Executive Order 2003-10 is rescinded.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 21st day of August, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 13**

**GOVERNOR’S CHRONIC WASTING DISEASE TASK FORCE**

**AMENDMENT OF EXECUTIVE ORDER 2003-5**

WHEREAS, on February 28, 2003, the Governor’s Chronic Wasting Disease Task Force (“Task Force”) was established by Executive Order 2003-5;

WHEREAS, in conducting its work the Task Force continues to be presented with a wealth of information and testimony, including testimony from nationally-recognized experts on the prevention of Chronic Wasting Disease;

WHEREAS, the goals of the Task Force can best be achieved by changing the reporting deadline for the Task Force;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that Section II.B Executive Order 2003-5 be amended to read as follows:

“The Task Force shall complete its work and issue a final report and recommendations, including any proposed legislation, to the Governor by Wednesday, October 15, 2003.”

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 15th day of September, 2003

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 14**

**DEPARTMENT OF CAREER DEVELOPMENT  
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES  
DEPARTMENT OF COMMUNITY HEALTH  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DEPARTMENT OF MANAGEMENT AND BUDGET  
DEPARTMENT OF STATE POLICE  
DEPARTMENT OF TRANSPORTATION  
DEPARTMENT OF TREASURY  
FAMILY INDEPENDENCE AGENCY**

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH EXECUTIVE REORGANIZATION**

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Article V, Section 2 of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, Article V, Section 8 of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, the Department of Commerce was created as a principal department of state government under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325;

WHEREAS, the Department of Commerce was renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001;

WHEREAS, the Department of Labor was created as a principal department of state government under Section 375 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.475;

WHEREAS, certain authority, powers, duties, functions, and responsibilities of the Department of Labor were transferred to the Department of Consumer and Industry Services and the Department of Labor was abolished under Executive Order 1996-2, MCL 445.2001;

WHEREAS, reorganizing labor and economic development functions into one principal department will ensure more efficient use of taxpayer dollars and will allow the state to offer more streamlined services;



WHEREAS, because the development of cooperative economic alliances between business and labor will improve the lives of Michigan's working families and the vitality of Michigan's businesses, the State of Michigan should encourage such alliances;

WHEREAS, Michigan's already successful economic development programs will benefit from greater consolidation and linkage to workforce development programs;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the power vested in the Governor by the Michigan Constitution of 1963 and the laws of the State of Michigan order:

## **I. DEFINITIONS**

As used in this Order:

A. "Appellate Magistrate" means a member of the Worker's Compensation Board of Magistrates assigned to perform appellate functions pursuant to Section II.Q of this Order.

B. "Brownfield Redevelopment Board" means the board created within the Department of Environmental Quality under Section 20104a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20104a.

C. "Bureau of Health Services" means the organizational unit of the Department and Consumer and Industry Services designated as the Bureau of Health Services.

D. "Bureau of Health Systems" means the organizational unit of the Department of Consumer and Industry Services designated as the Bureau of Health Systems.

E. "Bureau of Worker's Compensation" means the bureau established within the Department of Labor under Section 201 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.201, transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.

F. "Bureau of Worker's and Unemployment Compensation" means the bureau established within the Department of Consumer and Industry Services under Executive Order 2002-1, MCL 445.2004.

G. "Commission for the Blind" means the commission created in the Department of Labor under Section 2 of 1978 PA 260, MCL 393.352, and transferred to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001.

H. “Department of Career Development” means the principal department of state government created under Executive Order 1999-1, MCL 408.40.

I. “Department of Consumer and Industry Services” means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001.

J. “Department of Labor and Economic Growth” means the principal department of state government formerly known as the Department of Consumer and Industry Services and renamed the Department of Labor and Economic Growth under Section II.A of this Order.

K. “Department of Management and Budget” means the principal department of state government created under Section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121.

L. “Director of Unemployment Insurance” means the director of the Unemployment Insurance Agency created under Section II.N.

M. “Director of Workers’ Compensation” means the director of the Workers’ Compensation Agency created under Section II.O.

N. “Eligible Members” mean the members of the Worker’s Compensation Board of Magistrates eligible for assignment to serve as an Appellate Magistrate under Section II.Q.6.

O. “Family Independence Agency” means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, and renamed the Family Independence Agency under Section 1 of the Social Welfare Act, 1939 PA 280, MCL 400.1.

P. “Former Wage and Hour Division” means the organizational unit created on January 31, 1992 within the Bureau of Safety and Regulation within the Department of Labor, the functions of which were transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker’s and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.

Q. “Michigan Broadband Development Authority” means the public body corporate and politic created under the Section 4 of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3204.

R. “Michigan Economic Development Corporation” means the public body corporate created under Section 28 of Article VII of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999, and subsequently amended, between local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan Strategic Fund.

S. “Michigan Economic Growth Authority” means the authority created under the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.801 to 207.810, and transferred to the Michigan Strategic Fund under Executive Order 1999-1, MCL 408.40.

T. “Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority” means the authority created and established as an autonomous agency within the Department of Consumer and Industry Services under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103.

U. “Michigan Next Energy Authority” means the public body corporate and politic created under Section 3 of the Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.823.

V. “Michigan Strategic Fund” means the public body corporate and politic created under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005, and transferred to the Department of Management and Budget under Executive Order 1999-1, MCL 408.40, and includes the board of the Michigan Strategic Fund.

W. “Qualifications Advisory Committee” or “QAC” means the committee required under Section 209 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209. References in this Order to the “new Qualifications Advisory Committee” or “new QAC” mean the committee required under Section 209 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209, as modified under this Order.

X. “State Budget Director” means the director of the State Budget Office created under Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321.

Y. “Type I Transfer” means that type of transfer as defined in Section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(a).

Z. “Type II Agency” means an agency established consistent with Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

AA. “Type II Transfer” means that type of transfer as defined in Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

BB. “Type III Transfer” means that type of transfer as defined in Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(c).

CC. “Type IV Transfer” means a basic type transfer where all statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting, procurement, personnel, and management-related functions are retained by the transferred entity and the transferred entity remains an autonomous entity, in the same manner as the Michigan Employment Security Commission was designated an autonomous entity within the Michigan Department of Labor under Section 379 of the Executive Organization Act, 1965 PA 380, MCL 16.479 and the Michigan Strategic Fund was transferred to the Michigan Department of Management and Budget under Executive Order 1999-1, MCL 408.40.

DD. “Unemployment Insurance Agency” means the organizational unit within the Department of Labor and Economic Growth created under Section II.N.

EE. “Wage and Hour Administrator” means the head of the new Wage and Hour Division created under Section II.L.

FF. “Wage and Hour Division” means the new Wage and Hour Division, an organizational unit within the Department of Labor and Economic Growth created under Section II.L.

GG. “Workers’ Compensation Agency” means the organizational unit within the Department of Labor and Economic Growth created under Section II.O.

HH. “Worker’s Compensation Appellate Commission” means the commission established under Section 274 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.274, the functions of which are transferred to the Worker’s Compensation Board of Magistrates under this Order.

II. “Worker's Compensation Board of Magistrates” or “Board of Magistrates” means the board established as an autonomous entity within the Department of Labor under Section 213 of Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213, the functions of which were transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker’s and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.

## **II. DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

### **A. General**

1. Consistent with Article V, Section 2 of the Michigan Constitution of 1963, which limits the number of principal departments to 20, the Department of Consumer and Industry Services is renamed the Department of Labor and Economic Growth and will continue as a principal department of the Executive Branch.

2. Any and all statutory references to the Department of Consumer and Industry Services not inconsistent with this Order shall be deemed references to the Department of Labor and Economic Growth.

3. The Director of the Department of Labor and Economic Growth shall provide executive direction and supervision for the implementation of all transfers to the Department of Labor and Economic Growth under this Section II. The functions transferred to the Department of Labor and Economic Growth under this Section II shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth to the extent provided in this Order, including but not limited to all prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

4. Any authority, duties, powers, functions, and responsibilities transferred in this Section II may in the future be reorganized to promote efficient administration by the Director of the Department of Labor and Economic Growth.

5. The Director of the Department of Labor and Economic Growth shall, in addition to the other duties and responsibilities given to the Director under this Order, or assigned or transferred to the Director as head of the Department of Labor and Economic Growth, be responsible for the oversight and supervision of the employees of the Department of Labor and Economic Growth and for the operations of the Department of Labor and Economic Growth. The Director shall also perform other duties and exercise other powers as the Governor may prescribe.
6. The Director of the Department of Labor and Economic Growth may perform a duty or exercise a power conferred by law or executive order upon the Director at the time and to the extent the duty or power is delegated to the Director by law or order.
7. The Director of the Department of Labor and Economic Growth may by written instrument delegate a duty or power conferred by law or order to an authorized representative and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Director of the Department of Labor and Economic Growth.
8. The Director of the Department of Labor and Economic Growth shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### B. Advisory Council on Deaf and Hard of Hearing

1. The Advisory Council on Deaf and Hard of Hearing created as the Advisory Council on Deafness within the Department of Labor under the Division on Deafness Act, 1937 PA 72, MCL 408.201 to 408.210, transferred from the Department of Labor to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001, and renamed under Executive Order 2002-10, MCL 445.1991, is transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth.
2. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Section II.B are transferred to the Department of Labor and Economic Growth.
3. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.
4. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.B and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Family Independence Agency.

5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.B in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. Bureau of Construction Codes and Fire Safety

1. Any authority, powers, duties, functions, and responsibilities, including but not limited to the functions of budgeting, procurement, management-related functions, and functions under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34, of the Fire Marshal Division of the Department of State Police, except any authority, powers, duties, functions, and responsibilities previously transferred from the Department of State Police under Executive Order 1997-2, MCL 29.451, are transferred by Type II Transfer from the Department of State Police to the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety, except for the authority, powers, duties, functions, and responsibilities of the Department of State Police under any of the following:

- a. 1978 PA 170, MCL 28.71 to 28.72, relating to the state arson strike force unit.
- b. Section 6 of the Fire Prevention Code, 1941 PA 207, MCL 29.6 (fire investigations).
- c. Section 7 of the Fire Prevention Code, 1941 PA 207, MCL 29.7 (criminal enforcement).
- d. The Fire Investigator Training Program, including, but not limited to functions related to fire investigation training to locals under Section 109 of 2003 PA 149.

2. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal, and the authority powers, duties, functions, and responsibilities of the Director of the Department of State Police under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34, except for any authority, powers, duties, functions, and responsibilities previously transferred from the State Fire Marshal or the Director of the Department of State Police under Executive Order 1997-2, MCL 29.451, and those retained within the Department of State Police under this Section II.C, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth. The Director of the Department of Labor and Economic Growth may establish the position of State Fire Marshal within the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety.

3. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal under any of the following programs or provisions of Michigan law are transferred by Type II Transfer to the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety:

- a. Section 204 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.204.
- b. Section 77101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.77101.
- c. Section 22210 of the Public Health Code, 1978 PA 368, MCL 333.22210.
- d. Section 1285a of the Revised School Code, 1976 PA 451, MCL 380.1285a.

- e. 1937 PA 306, MCL 388.851 to 388.855a.
  - f. Section 58 of the Social Welfare Act, 1939 PA 280, MCL 400.58.
  - g. The Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737.
  - h. Section 20 of 1967 PA 227, MCL 408.820.
  - i. Section 1 of 1942 (1st Ex Sess) PA 9, MCL 419.201.
  - j. Section 12 of the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.22.
  - k. Section 16 of 1944 (1st Ex Sess) PA 52, MCL 561.16.
  - l. 1973 PA 116, MCL 722.111 to 722.128.
  - m. The Juvenile Firesetter Intervention Program.
  - n. The Public Fire Education Program.
4. Any authority, powers, duties, functions, and responsibilities of the Office of Fire Safety and the State Fire Marshal under Section 3a of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1503a, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.
5. Any authority, powers, duties, functions and responsibilities of the Director of the Department of State Police related to the functions transferred to the Department of Labor and Economic Growth by this Section II.C, are transferred by Type II Transfer from the Director of the Department of State Police to the Director of the Department of Labor and Economic Growth.
6. Any authority, powers, duties, functions, and responsibilities of the Fire Fighters Training Council under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type I Transfer from the Department of State Police to the Department of Labor and Economic Growth. Any authority, powers, duties, functions, and responsibilities of the Department of State Police under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type II Transfer from the Department of State Police to the Department of Labor and Economic Growth. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of State Police under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type II Transfer from the Director of the Department of State Police to the Director of the Department of Labor and Economic Growth.
7. The position as a member of the Fire Fighters Training Council designated under Section 3(1)(a) of the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.363(1)(a), for the Director of the Department of State Police or his or her authorized representative is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative. All the statutory authority of the Firefighters Training Council to designate from among its members a Chairperson under Section 5 of the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.365, is transferred to the Governor.

8. All the statutory authority of the Fire Safety Board, created under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34, and transferred to the Department of Consumer and Industry Services under Executive Order 1997-2, MCL 29.451, to designate one of its members as Chairperson of the Board pursuant to Section 3b(5) of the Fire Prevention Code, 1941 PA 207, MCL 29.3b(5), is transferred to the Governor.
9. The position of member of the Electrical Administrative Board consisting of a representative the Department of State Police, Fire Marshal Division, appointed by the Director of the Department of State Police under Section 2(1) of the Electrical Administrative Act, 1956 PA 217, MCL 338.882(1), is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.
10. The position of member of the Board of Mechanical Rules designated for the State Fire Marshal or the State Fire Marshal's designee under Section 3 of the Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.973, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.
11. Any authority, powers, duties, functions, and responsibilities of the Department of State Police and the Director of the Department of State Police under 1931 PA 328, MCL 750.243a to 750.243e (fireworks), except any authority, power, duties, functions, and responsibilities of a peace officer of this state, or a political subdivision of this state, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.
12. All remaining authority, powers, duties, functions, and responsibilities of the Department of State Police, the Director of the Department of State Police, the Fire Marshal Division, and the State Fire Marshal not transferred under this Section II.C are vested in the Director of the Department of State Police. The Director of the Department of State Police may create and maintain a division or other organizational unit of the Department of State Police as he or she deems necessary, expedient, and efficient, and organize or reorganize the division or organizational unit, including the appointment of division or organizational unit heads, assistants, and employees, with titles, powers, and duties related to the administration and enforcement of the authority, powers, duties, functions, and responsibilities retained under this Section II.C.
13. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal as Commissioner of the Michigan State Police ex-officio under Section 5 of 1935 PA 59, MCL 28.5, are transferred to the Director of the Department of State Police.
14. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal relating to the promulgation of rules relating to the authority, powers, duties, functions, and responsibilities retained within the Department of State Police under this Section II.C are transferred to the Director of the Department of State Police. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal or the Director of the Department of State Police relating to the promulgation of rules relating to the authority, powers, duties, functions, and responsibilities transferred to the Department of Labor and Economic Growth under this Section II.C are transferred by to the Director of the Department of Labor and Economic Growth.



15. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Fire Marshal Division for the activities transferred to the Department of Labor and Economic Growth under this Section II.C are transferred to the Department of Labor and Economic Growth.

16. The Director of the Department of Labor and Economic Growth shall provide executive direction and supervision for the implementation of the transfers to the Department of Labor and Economic Growth under this Section II.C. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

17. The Director of the Department of State Police and the Director of the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or other obligations relating to the Fire Marshal Division and the transfers under this Section II.C to be resolved by the Department of State Police.

18. The Directors of the Departments of Labor and Economic Growth and State Police shall administer any assigned functions under this Section II.C in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### D. Commission for the Blind

1. Any authority, powers, duties, functions, and responsibilities of the Commission for the Blind are transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth, including but not limited to the authority, powers, duties, functions, and responsibilities under all of the following:

- a. 1978 PA 260, MCL 393.351 to 393.369.
- b. Section 7a of 1913 PA 271, MCL 399.7a.
- c. Section 2 of 1941 PA 205, MCL 252.52.
- d. Section 4 of 1988 PA 112, MCL 450.794.
- e. Section 208 of the Michigan Museum Act, 1990 PA 325, MCL 399.508.

2. Any authority, powers, duties, functions, and responsibilities of the Director of the Family Independence Agency relating to the Commission for the Blind, including but not limited to the authority, powers, duties, functions, and responsibilities assigned to the Director of the Department of Labor by 1978 PA 260, MCL 393.351 to 393.369, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

3. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the

activities, powers, duties, functions, and responsibilities transferred by this Section II.D are transferred to the Department of Labor and Economic Growth.

4. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

5. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.D and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Family Independence Agency.

6. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.D in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### E. Commission on Disability Concerns

1. The Commission on Disability Concerns established within the Department of Labor under Executive Order 1995-11, MCL 395.351, and transferred to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001, is transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth.

2. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Section II.E are transferred to the Department of Labor and Economic Growth.

3. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

4. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.E and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Family Independence Agency.

5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.E in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### F. Department of Treasury

## Brownfield Redevelopment Single Business Tax Credits

1. All of the following authority, powers, duties, functions, and responsibilities of the Department of Treasury or the State Treasurer related to brownfield redevelopment Single Business Tax credits for projects with a cost of \$10,000,000 or less are transferred by Type II Transfer from the Department of Treasury and the State Treasurer to the Director of the Department of Labor and Economic Growth:
  - a. Receipt and review of applications for approval of projects, approval of applications or projects, denial of applications or projects, issuance of preapproval letters, and assignment of project numbers under Section 38g(2) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(2).
  - b. Consideration of criteria reasonably applicable to a project under Section 38g(6) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(6).
  - c. Receipt of documentation of the market value of leased property under Section 38g(10) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(10).
2. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Treasury for the activities, powers, duties, functions, and responsibilities transferred under Section II.F.1 transferred pursuant to any memorandum of understanding between the Department of Treasury and the Department of Labor and Economic Growth implementing this Order are transferred to the Department of Labor and Economic Growth. This paragraph shall not be construed to require a transfer of records prohibited under Michigan law.
3. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of the transfer under Section II.F.1. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.
4. The Director of the Department of Labor and Economic Growth and the State Treasurer shall immediately initiate coordination to facilitate the Type II Transfer under Section II.F.1 and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Treasury.
5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under Section II.F.1 in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.
6. All of the following authority, powers, duties, functions, and responsibilities of the Department of Treasury or the State Treasurer related to brownfield redevelopment Single Business Tax credits for projects with a cost of \$10,000,000 or less are transferred without regard to the type of transfer from the Department of Treasury and the State Treasurer to the Michigan Economic Growth Authority:
  - a. Receipt and review of documentation for project completion, accounting of project costs, eligible investment activity, and property ownership or lease information; verification of project completion; and

issuance of certificates of completion under Section 38g(8) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(8).

b. Prescription of forms and receipt of assignment forms under Section 38g(17) of the Single Business Tax Act, 1975 PA 225, MCL 208.38g(17).

c. Approval of an alternative method for assigning credits or portions of credits, prescription of forms, and receipt of assignment forms under Section 38g(18) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(18).

d. Preparation of annual reports to the House of Representatives and Senate committees responsible for tax policy and economic development issues under Section 38g(30) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(30).

e. Review and approval or denial of petitions for project amendments under Section 38g(31) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(31).

f. Receipt of documentation relating to multiphase projects and multiphase project components, verification of completion of multiphase project components, and issuance of component completion certificates under Section 38g(32) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(32).

7. All the authority, power, duties, functions, and responsibilities of the State Treasurer under Section 38g(3) of the Single Business Tax Act, 1975 PA 225, MCL 208.38g(3), to concur with the approval by the Michigan Economic Growth Authority of applications for projects with a cost of more than \$10,000,000, or to approve or deny applications for projects with a cost of more than \$10,000,000 shall remain with the State Treasurer and are not transferred under this Order.

8. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Treasury for the activities, powers, duties, functions, and responsibilities transferred under Section II.F.1 transferred pursuant to any memorandum of understanding between the Department of Treasury and the Michigan Economic Growth Authority implementing this Order are transferred to the Michigan Economic Growth Authority. This paragraph shall not be construed to require a transfer of records prohibited under Michigan law.

9. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of the transfer under Section II.F.6. The functions assigned to the Michigan Economic Growth Authority under Section II.F.6 shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

10. The Michigan Economic Growth Authority, Director of the Department of Labor and Economic Growth, and the State Treasurer shall immediately initiate coordination to facilitate the transfers under Section II.F.6 and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Treasury.

11. The Michigan Economic Growth Authority shall administer any assigned functions under Section II.F.6 in such ways as to promote efficient administration and shall make internal organizational changes

as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### G. Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority

1. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created and established within the Department of Consumer and Industry Services under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 to 484.3120, is transferred without regard to the type of transfer to the Michigan Broadband Development Authority and shall remain an authority established under Article VII, Section 27 of the Michigan Constitution of 1963.
2. The powers, duties, functions, and responsibilities of the Director of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 to 484.3120, are transferred without regard to the type of transfer to the Michigan Broadband Development Authority. The position of Director of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority established under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103, is abolished.
3. All budget, procurement, and management-related functions of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority assigned to the Department of Consumer and Industry Services under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103, shall be performed by the Michigan Broadband Development Authority under the direction and supervision of the Director of the Department of Labor and Economic Growth.
4. The requirement under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103, to provide the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority with suitable offices, facilities, equipment, staff, and supplies for the authority is transferred from the Department of Consumer and Industry Services to the Michigan Broadband Development Authority.
5. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Consumer and Industry Services or the Department of Labor and Economic Growth for the activities, powers, duties, functions, and responsibilities transferred by this Section II.G are transferred to the Michigan Broadband Development Authority.
6. The Director of the Department of Labor and Economic Growth, after consultation with the President and Chief Executive Officer of the Michigan Broadband Development Authority, shall provide executive direction and supervision for the implementation of the transfer under this Section II.G.
7. The Director of the Department of Labor and Economic Growth, the President and Chief Executive Officer of the Michigan Broadband Development Authority, and the State Treasurer shall immediately initiate coordination to facilitate the transfer under this Section II.G and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws

and regulations, or other obligations to be resolved by the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority.

8. The Michigan Broadband Development Authority and the Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.G in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### H. Michigan Broadband Development Authority

1. Any authority, powers, duties, functions, responsibilities, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Michigan Broadband Development Authority, including but not limited to those under the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3201 to 484.3225, are transferred by Type I Transfer from the Department of Treasury to the Department of Labor and Economic Growth.

2. The Michigan Broadband Development Authority shall exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of Labor and Economic Growth. However, the budgeting, procurement, and related administrative or management functions of the Michigan Broadband Development Authority assigned to the State Treasurer under the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3205, are transferred to, and shall be performed under the direction and supervision of, the Director of the Department of Labor and Economic Growth. The Department of Labor and Economic Growth shall function as the appointing authority for any civil service employees of the Authority.

3. The position as a member of the Board of the Directors of the Michigan Broadband Authority designated for the President and Chief Executive Officer of the Michigan Economic Development Corporation under Section 6(2)(a) of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3206(2)(a), is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

4. In the absence or incapacity of the President and Chief Executive Officer of the Michigan Broadband Development Authority, or in the event of a vacancy in the office of President and Chief Executive Officer of the Michigan Broadband Development Authority, the Vice President of the Michigan Broadband Development Authority may exercise all of the powers, duties, functions, and responsibilities of the President and Chief Executive Officer in a temporary capacity acting as President and Chief Executive Officer, including but not limited to any functions assigned to the President and Chief Executive Officer of the Michigan Broadband Development Authority under this Order.

5. The Type I Transfer of the Michigan Broadband Development Authority under this Section II.H includes but is not limited to bonds, notes, loans, grants, reserves, and trust funds, subject to any agreement with note and bond holders, borrowers, grant recipients, or contract holders.

6. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Treasury for the activities, powers, duties, functions, and responsibilities transferred by this Section II.H are transferred to the Department of Labor and Economic Growth.

7. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer and the President and Chief Executive Officer of the Michigan Broadband Development Authority, shall provide executive direction and supervision for the implementation of the transfer. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

8. The Director of the Department of Labor and Economic Growth, the President and Chief Executive Officer of the Michigan Broadband Development Authority, and the State Treasurer shall immediately initiate coordination to facilitate the Type I Transfer under this Section II.H and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Broadband Development Authority.

9. The Director of the Department of Labor and Economic Growth shall administer any functions assigned to the Department of Labor and Economic Growth under this Section II.H in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### I. Michigan Economic Growth Authority

1. The position as a member of the Michigan Economic Growth Authority designated for the Director of the Michigan Jobs Commission or his or her authorized representative under Section 4(2)(a) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(a), is transferred to the President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative. The President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative shall serve as a member of the Michigan Economic Growth Authority.

2. The position as a member of the Michigan Economic Growth Authority designated for the Director of the Department of Management and Budget or his or her authorized representative under Section 4(2)(c) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(c), is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative.

3. The position as Chairperson of the Michigan Economic Growth Authority designated for the Director of the Michigan Jobs Commission or his or her authorized representative under Section 4(2)(a) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(a), is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative serving as a member of the Michigan Economic Growth Authority.

#### J. Michigan Next Energy Authority

1. Any authority, powers, duties, functions, responsibilities, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Michigan Next Energy Authority are transferred by Type I Transfer from the Department of Management and Budget to the Department of Labor and Economic Growth, including but not limited to those under all of the following:

a. The Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.821 to 207.827.

b. Section 9i of the General Property Tax Act, 1893 PA 206, MCL 211.9i.

2. The Michigan Next Energy Authority shall exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of Labor and Economic Growth. However, the budgeting, procurement, and related administrative or management functions of the Michigan Next Energy Authority assigned to the Director of the Department of Management and Budget under Section 3(2) of the Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.823(2) shall be performed by the Director of the Department of Labor and Economic Growth. The Department of Labor and Economic Growth shall function as the appointing authority for any civil service employees of the Authority.

3. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Section II.J are transferred to the Department of Labor and Economic Growth.

4. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Department of Management and Budget, shall provide executive direction and supervision for the implementation of the transfer. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

5. The Directors of the Department of Labor and Economic Growth and the Department of Management and Budget shall immediately initiate coordination to facilitate the Type I Transfer under this Section II.J and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Next Energy Authority.

6. The Director of the Department of Labor and Economic Growth and the Next Energy Authority shall administer any assigned functions under this Section II.J in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### K. Michigan Strategic Fund

1. The Michigan Strategic Fund is transferred by Type IV Transfer from the Department of Management and Budget to the Department of Labor and Economic Growth. The transfer under this Section II.K includes but is not limited to authority, powers, duties, functions, and responsibilities under all of the following:

a. The Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2001 to 125.2093.

b. The Michigan Renaissance Zone Act, 1996 PA 376, MCL 125.2681 to 125.2696.

c. Section 9f of The General Property Tax Act, 1893 PA 206, MCL 211.9f.

2. All administrative or housekeeping functions including budgeting, procurement, personnel, and management-related functions of the Michigan Strategic Fund shall be performed under the direction



and supervision of the President of the Michigan Strategic Fund. The President of the Michigan Strategic Fund shall be the appointing authority for the civil service employees of the Michigan Strategic Fund.

3. The board position designated in Section 2005(3) of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005(3), for the Director of the Department of Commerce, transferred under Executive Order 1994-26, MCL 408.48, to the Director of the Michigan Jobs Commission, and subsequently transferred under Executive Order 1999-1, MCL 408.40, to the Director of the Department of Management and Budget is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative from the Department of Labor and Economic Growth or the Michigan Economic Development Corporation.

4. The position of President of the Michigan Strategic Fund designated for one of two members of the board of the Michigan Strategic Fund serving at the pleasure of the Governor under Section 2005(4) of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005(4), is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative from the Department of Labor and Economic Growth or the Michigan Economic Development Corporation. The Director of the Department of Labor and Economic Growth, or his or her authorized representative serving as a member of the board of the Michigan Strategic Fund, shall be the President of the Michigan Strategic Fund.

5. An authorized representative of the Director of the Department of Labor and Economic Growth under Sections II.K.3 or II.K.4 may serve as a member of the board of the Michigan Strategic Fund or as the President of the Michigan Strategic Fund irrespective of whether the Director of the Department of Labor and Economic Growth is absent.

6. The transfer of the Michigan Strategic Fund under this Section II.K includes but is not limited to bonds, notes, loans, grants, reserves, and trust funds, subject to any agreement with note and bond holders, borrowers, grant recipients, or contract holders.

7. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Section II.K are transferred to the Department of Labor and Economic Growth.

8. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Department of Management and Budget, shall provide executive direction and supervision for the implementation of the transfer. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

9. The Directors of the Department of Labor and Economic Growth and the Department of Management and Budget shall immediately initiate coordination to facilitate the transfers under this Section II.K and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Strategic Fund.

10. The Department of Labor and Economic Growth shall administer any functions assigned to the Department of Labor and Economic Growth under this Section II.K in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### L. Wage and Hour Division

1. The new Wage and Hour Division is created as a Type II Agency within the Department of Labor and Economic Growth. The new Wage and Hour Division shall be headed by a Wage and Hour Administrator.

2. Any authority, powers, functions, duties and responsibilities of the Former Wage and Hour Division of the Department of Consumer and Industry Services, transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred by Type II Transfer from the Bureau of Worker's and Unemployment Compensation to the new Wage and Hour Division within the Department of Labor and Economic Growth, including but not limited to any authority, powers, functions, duties, and responsibilities under each of the following:

a. The Minimum Wage Law of 1964, 1964 PA 154, MCL 408.381 to 408.398.

b. 1978 PA 390, MCL 408.471 to 408.490.

c. 1965 PA 166, MCL 408.551 to 408.558.

d. The Youth Employment Standards Act, 1978 PA 90, MCL 409.101 to 409.124.

3. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the new Wage and Hour Division.

4. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.L are transferred to the new Wage and Hour Division.

5. All rules, orders, contracts, and agreements relating to the functions transferred to the new Wage and Hour Division under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

#### M. Qualifications Advisory Committee

1. The Qualifications Advisory Committee established under Section 209 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209 is abolished.

2. The new Qualifications Advisory Committee is established within the Workers' Compensation Agency. The new Qualifications Advisory Committee shall have all of the powers, duties, and functions

assigned to the Qualifications Advisory Committee under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, including but not limited to those powers and duties under Sections 210, 212, and 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.210, 418.212, and 418.274.

3. Any and all statutory references to the Qualifications Advisory Committee not inconsistent with this Order shall be deemed references to the new Qualifications Advisory Committee created under this Section II.M.

4. The Governor shall appoint a 10-member new Qualifications Advisory Committee. The Committee shall consist of persons who have experience in the area of worker's compensation. Employer interests and employee interests shall be equally represented on the Committee. Members shall be appointed for terms of 4 years except as otherwise provided in this Order. Vacancies on the Committee shall be filled by the Governor so that employer and employee interests continue to be equally represented on the Committee and shall be for the remainder of the unexpired term.

5. Members of the Qualifications Advisory Committee abolished under this Order serving as a member of the Qualifications Advisory Committee on the day prior to the effective date of this Order shall serve as members of the new Qualifications Advisory Committee until the date on which their appointment as a member of the Qualifications Advisory Committee abolished under this Order would have expired. The Governor shall appoint an additional number of members to the new Qualifications Advisory Committee necessary to reach 10 members. Members appointed by the Governor under this Section II.M.4 shall be appointed to 4-year terms beginning on the effective date of this Order.

6. The Governor shall appoint a member of the new Qualifications Advisory Committee to serve as the Chairperson of the new QAC at the pleasure of the Governor.

7. A quorum of the new Qualifications Advisory Committee shall consist of half of the members of the new QAC appointed and serving. The business of the new QAC shall be conducted by not less than a quorum.

8. Members of the new Qualifications Advisory Committee shall serve without compensation but may be reimbursed for all necessary expenses in connection with the discharge of their official duties as members of the committee, subject to available appropriations.

9. Staff and offices shall be provided for the new Qualifications Advisory Committee by the Workers' Compensation Agency.

10. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Qualifications Advisory Committee to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Qualifications Advisory Committee.

11. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.M are transferred to the new Qualifications Advisory Committee.

12. All rules, orders, contracts, and agreements relating to the functions transferred to the new Qualifications Advisory Committee by this Section II.M lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

#### N. Unemployment Insurance Agency

1. The Unemployment Insurance Agency is created as a Type II Agency within the Department of Labor and Economic Growth. The Unemployment Insurance Agency shall be headed by a Director of Unemployment Insurance.

2. Any authority, powers, functions, duties, and responsibilities of the Unemployment Agency transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order No. 2002-1, MCL 445.2004, are transferred from the Bureau of Worker's and Unemployment Compensation to the Unemployment Insurance Agency.

3. All of the statutory powers, functions, duties, and responsibilities of the Director of the former Unemployment Agency created in Section 5 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.5, defined as the Director of Employment Security in Executive Order 1997-12, MCL 421.94, and transferred to the Director of the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Director of the Bureau of Worker's and Unemployment Compensation to the Director of Unemployment Insurance.

4. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Unemployment Insurance Agency.

5. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.N are transferred to the Unemployment Insurance Agency.

6. All rules, orders, contracts, and agreements relating to the functions transferred to the Unemployment Insurance Agency by this Section II.N lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

#### O. Workers' Compensation Agency

1. The Workers' Compensation Agency is created as a Type II Agency within the Department of Labor and Economic Growth. The Workers' Compensation Agency shall be headed by a Director of Workers' Compensation.

2. Any authority, powers, functions, duties and responsibilities of the Bureau of Worker's Compensation transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Bureau of Worker's and Unemployment Compensation to the Workers' Compensation Agency.

3. Any authority, powers, functions, duties, and responsibilities of the Director of the Bureau of Worker's Compensation established in Chapter 2 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.201 to 418.274, transferred to the Director of the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Director of the Bureau of Worker's and Unemployment Compensation to the Director of Workers' Compensation.
4. The Worker's Compensation Board of Magistrates transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, shall be located within the Workers' Compensation Agency, but shall continue as an autonomous agency within the Department of Labor and Economic Growth.
5. All authority, powers, functions, duties, and responsibilities of the Assistant to the Director of the Bureau of Worker's Compensation with charge of an office under the fourth sentence of Section 205 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.205, is transferred by Type III Transfer to the Director of Workers' Compensation. The position of Assistant to the Director of the Bureau of Worker's Compensation with charge of an office under the fourth sentence of Section 205 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.205, is abolished.
6. Any remaining authority, powers, functions, duties, and responsibilities of the Bureau of Worker's and Unemployment Compensation or the Director of the Bureau of Worker's and Unemployment Compensation not otherwise transferred under this Order are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.
7. The Bureau of Worker's and Unemployment Compensation and the position of Director of the Bureau of Worker's and Unemployment Compensation created under Executive Order 2002-1, MCL 445.2004, are abolished.
8. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Workers' Compensation Agency.
9. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.O are transferred to the Workers' Compensation Agency, except as provided in Section II.O.6.
10. All rules, orders, contracts, and agreements relating to the functions transferred to the Workers' Compensation Agency under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

#### P. Worker's Compensation Appellate Commission

1. Upon the initial assignment of 4 Appellate Magistrates under Section II.Q.2 and II.Q.3, all authority, powers, duties, functions, and responsibilities of the Worker's Compensation Appellate Commission

under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, are transferred to the Worker's Compensation Board of Magistrates created under Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213.

2. All statutory substantive and procedural appellate requirements applicable under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, to the Worker's Compensation Appellate Commission not inconsistent with this Order are transferred to the Worker's Compensation Board of Magistrates. Reiteration of statutory substantive or procedural appellate requirements under Section II.Q shall not be deemed to constitute a comprehensive or exhaustive description of statutory substantive or procedural appellate provisions applicable to the Worker's Compensation Board of Magistrates or the Appellate Magistrates.

3. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Worker's Compensation Appellate Commission for the activities, powers, duties, functions, and responsibilities transferred under this Section II.M are transferred to the Worker's Compensation Board of Magistrates.

4. Upon the initial assignment of Appellate Magistrates under Section II.Q.2 and II.Q.3, the Worker's Compensation Appellate Commission created under Section 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.274, is abolished.

5. Any and all statutory references to the Worker's Compensation Appellate Commission not inconsistent with this Order shall be deemed references to the Appellate Magistrates provided for under Section II.Q.

#### Q. Worker's Compensation Board of Magistrates

1. As provided in this Section II.Q, the Chairperson of the Board of Magistrates shall assign members of the Board of Magistrates to serve as Appellate Magistrates to review the non-appellate orders of the Director of Workers' Compensation and the non-appellate orders and opinions of the Worker's Compensation Board of Magistrates. Appellate Magistrates shall perform all of the functions previously assigned to the Appellate Commission under the Worker's Disability and Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941. Appellate Magistrates shall defer to the factual findings of the Worker's Compensation Board of Magistrates if supported by competent, material, and substantial evidence on the whole record.

2. By January 26, 2004, members of the new Qualifications Advisory Committee appointed to represent the interests of employees shall recommend 4 Eligible Members of the Board of Magistrates to serve as Appellate Magistrates. Of the 4 members recommended, the Chairperson of the Board of Magistrates shall assign 2 members to serve as Appellate Magistrates to perform appellate functions for a period expiring on January 26, 2007.

3. By January 26, 2004, members of the new Qualifications Advisory Committee appointed to represent the interests of employers shall recommend 4 Eligible Members of the Board of Magistrates to serve as Appellate Magistrates. Of the 4 members recommended, the Chairperson of the Board of Magistrates shall assign 2 members to serve as Appellate Magistrates to perform appellate functions for a period expiring on January 26, 2006.

4. By November 15, 2004, and then annually by each following November 15th, the Chairperson of the Board of Magistrates shall evaluate the appellate caseload of the Appellate Magistrates and then determine and publicly announce an even number of Appellate Magistrates necessary in the opinion of the Chairperson to process appellate cases in a timely manner. If the Chairperson of the Board of Magistrates determines that a reduction in the number of Appellate Magistrates is necessitated, by the following December 31st, the Chairperson shall end the assignment to perform appellate functions of an even number of Appellate Magistrates effective the following January 26th. When ending assignments of Appellate Magistrates the Chairperson of the Board of Magistrates shall end the assignments of an equal number of Appellate Magistrates recommended by members of the new QAC appointed to represent employee interests and of those recommended by members of the new QAC appointed to represent employer interests.

5. If the Chairperson of the Board of Magistrates determines under Section II.Q.4 that an increase in the number of Appellate Magistrates is necessitated, by the following November 30th the Chairperson shall notify the new Qualifications Advisory Committee. By the following January 15th, the members of the new QAC appointed to represent the interests of employees shall recommend the number of members of the Board of Magistrates to serve as Appellate Magistrates equal to the number of additional Appellate Magistrates determined as necessary by the Chairperson of the Board of Magistrates under Section II.Q.4 and the members of the new QAC appointed to represent the interests of employers shall recommend the number of members of the Board of Magistrates to serve as Appellate Magistrates equal to the number of additional Appellate Magistrates determined as necessary by the Chairperson of the Board of Magistrates under Section II.Q.4. By the following January 26th, from the names recommended by the new QAC, the Chairperson of the Board of Magistrates shall assign to perform appellate functions as Appellate Magistrates for a three-year period beginning on January 26th, from the members of the Board of Magistrates recommended by members of the new QAC appointed to represent the interests of employees, a number of members of the Board of Magistrates equal to one-half of the number recommended, and from the members of the Board of Magistrates recommended by members of the new QAC appointed to represent the interests of employers, a number of members of the Board of Magistrates equal to one-half of the number recommended.

6. Except as provided in Section II.Q.7, after the initial assignment of magistrates under Section II.Q.4, a member of the Board of Magistrates shall not be eligible for recommendation and assignment to perform appellate functions as an Appellate Magistrate if the member does not have more than 2 years remaining before the expiration of his or her term as a member of the Board of Magistrates as of the effective date of the assignment.

7. In the event of a vacancy prior to the expiration of the assignment period for an Appellate Magistrate recommended by members of the new QAC appointed to represent the interests of employees, the members of the new QAC appointed to represent the interests of employees shall recommend 2 members of the Board of Magistrates to fill the vacancy. Of the 2 members recommended, the Chairperson of the Board of Magistrates shall assign one member to fill the vacancy for the remainder of the assignment period. In the event of a vacancy prior to the expiration of the assignment period for an Appellate Magistrate recommended by members of the new QAC appointed to represent the interests of employers, the members of the new QAC appointed to represent the interests of employers shall recommend 2 members of the Board of Magistrates to fill the vacancy. Of the 2 members recommended, the Chairperson of the Board of Magistrates shall assign one member to fill the vacancy for the remainder of the assignment period.

8. The Chairperson of the Board of Magistrates shall randomly assign matters for appellate review to a panel of 2 Appellate Magistrates for disposition, one of whom shall be an Appellate Magistrate recommended by members of the new QAC appointed to represent employee interests and the other recommended by members of the new QAC appointed to represent employer interests. The Chairperson of the Board of Magistrates may reassign a matter in order to ensure timely review and decision of that matter. A decision agreed to by both members of a 2-member panel shall be the decision in the case. In the event the two-member panel is deadlocked and cannot reach a decision, the Chairperson of the Board of Magistrates shall review the matter and cast a tie-breaking vote. A decision resolved by a tie-breaking vote cast by the Chairperson of the Board of Magistrates shall be the decision in the case.

9. The Chairperson of the Board of Magistrates shall not hear or decide non-appellate cases while serving as Chairperson. In the event the Chairperson of the Board of Magistrates is required under Section II.Q.8 to cast a tie-breaking vote in an appeal of an opinion or order issued by the Chairperson while serving as a member of the Board of Magistrates, the Chairperson shall not cast the tie-breaking vote, but instead shall assign an Appellate Magistrate, or if no Appellate Magistrate is available, a member of the Board of Magistrates to cast the tie-breaking vote.

10. Any matter assigned to a panel of Appellate Magistrates that may establish a precedent with regard to worker's compensation in this state as determined by the Chairperson of the Board of Magistrates, or any matter which 2 or more Appellate Magistrates request be reviewed by all Appellate Magistrates, shall be reviewed and decided by a panel consisting of all Appellate Magistrates and the Chairperson of the Board of Magistrates, which decision shall be adopted by at least a majority of those serving on the panel.

11. An Appellate Magistrate shall not hear or decide non-appellate cases while serving as an Appellate Magistrate. Appellate Magistrates shall devote full time to the functions under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, and this Order. Each Appellate Magistrate shall personally perform the duties of the office during the hours generally worked by officers and employees of the executive departments of this state. Appellate Magistrates may be assigned by the Chairperson of the Board of Magistrates to perform additional functions under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, not conflicting with the performance of appellate duties as an Appellate Magistrate.

12. Upon the initial assignment of Appellate Magistrates under Section II.Q.2 and II.Q.3, the Chairperson of the Board of Magistrates shall transfer each case previously pending before the Worker's Compensation Appellate Commission abolished under this Order to a panel of Appellate Magistrates.

13. Opinions issued by a panel of Appellate Magistrates shall be in writing and shall clearly define the legal principles being applied. The Board of Magistrates shall provide for the public dissemination of the opinions, including via the Internet.

14. The Chairperson of the Board of Magistrates may require members of the Worker's Compensation Board of Magistrates, as a condition of employment, to attend classes established under Section 207 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.207, by Michigan law schools and universities, the State Bar of Michigan, and other legal associations for the purpose of establishing introductory and continuing legal education courses in worker's compensation.



15. As authorized under Section 213(3) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213(3), the Chairperson of the Board of Magistrates may establish productivity standards that are to be adhered to by Appellate Magistrates and any employees assigned to assist in the performance of appellate functions.

16. Pursuant to the authority provided under Section 212 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.212, the new Qualifications Advisory Committee shall evaluate the performance of each Appellate Magistrate. The evaluation shall be based upon at least the following criteria:

- a. Productivity including reasonable time deadlines for disposing of cases.
- b. Manner in conducting any hearings.
- c. Knowledge of the law.
- d. Evidence of any demonstrable bias against particular defendants, claimants, or attorneys.
- e. Written surveys or comments of all interested parties.

17. Upon completing an evaluation under Section II.Q.16, the new Qualifications Advisory Committee shall submit a written report, including any supporting documentation to the Governor regarding that evaluation, which may include recommendations with regard to 1 or more of the following:

- a. Suspension.
- b. Removal.
- c. Additional training or education.

The Governor will respond in writing to the new Qualifications Advisory Committee regarding any action taken in response to a report of the new Qualifications Advisory Committee.

18. As authorized under Section 213(2) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213(2), an Appellate Magistrate may be removed as an Appellate Magistrate and from the Board of Magistrates by the Governor for good cause, including but not limited to, lack of productivity, or other neglect of duties.

19. On behalf of the Board of Magistrates, the Chairperson of the Board of Magistrates may promulgate rules on administrative appellate procedure for purposes consistent with this Order, the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, and the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

20. Functions transferred or assigned to the new QAC under Sections II.Q.2, II.Q.3, II.Q.5, and II.Q.7, shall not constitute the transaction of business of the new QAC for the purposes of Section II.M.7. Action required of the members of the new QAC appointed to represent the interests of employees under Sections II.Q.2, II.Q.3, II.Q.5, and II.Q.7 may be taken by a vote of the majority of the members the new QAC appointed to represent the interests of employees and serving. Action required of the members of

the new QAC appointed to represent the interests of employers under Sections II.Q.2, II.Q.3, II.Q.5, and II.Q.7 may be taken by a vote of the majority of the members of the new QAC appointed to represent the interests of employers and serving.

21. The Director of the Department of Labor and Economic Growth, the Chairperson of the Worker's Compensation Appellate Commission, and the Chairperson of the Board of Magistrates shall immediately initiate coordination to facilitate the transfers under Sections II.P and II.Q of this Order, and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Board of Magistrates.

22. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under Sections II.P and II.Q of this Order are transferred to the Board of Magistrates.

23. Consistent with the provisions of this Order, the Chairperson of the Board of Magistrates may by written instrument delegate a duty or power conferred by law or order to a member of the Board of Magistrates or a person employed by the Board of Magistrates or the Workers' Compensation Agency and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent such duty or power is delegated by the Chairperson of the Board of Magistrates.

24. All rules, orders, contracts, and agreements relating to the functions of the Worker's Compensation Appellate Commission transferred to the Board of Magistrates under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

### **III. DEPARTMENT OF CAREER DEVELOPMENT**

A. Except as otherwise provided in this Section III, all authority, power, duties, functions, and responsibilities of the Department of Career Development, including but not limited to, any board, commission, council, or similar entity within the Department of Career Development, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth, including but not limited to all of the following:

1. Any authority, powers, duties, functions, and responsibilities of the Governor's Workforce Commission, created under Section VII of Executive Order 1994-26, MCL 408.48. The position on the Governor's Workforce Commission designated for the Director of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, subsequently transferred to the Director of the Department of Career Development under Executive Order 1999-1, MCL 408.40, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

2. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development for Michigan Rehabilitative Services, pursuant to Executive Order 1999-1, MCL 408.40; the Rehabilitation Act of 1964, 1964 PA 232, MCL 395.81 to 395.90; 1952 PA 111, MCL 395.151 to 395.152; the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941; and the federal Rehabilitation Act of 1973, 29 USC 701 to 7961, transferred to the Michigan Jobs

Commission under Executive Order 1994-26, MCL 408.48, and then to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

3. Any authority, powers, duties, functions, and responsibilities of the Michigan Rehabilitation Advisory Council established within the Department of the Michigan Jobs Commission under Executive Order 1994-20 and then transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

4. Any authority, powers, duties, functions, and responsibilities of the Federal JOBS Program, Work First and Grant Diversion programs, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

5. Any authority, powers, duties, functions, and responsibilities of the Michigan Community Service Commission, pursuant to 1994 PA 219, MCL 408.221 to 208.232, and Executive Order 1999-1, MCL 408.40.

6. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Governor's Office for Job Training, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

7. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Displaced Homemaker Program transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

8. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Michigan Occupational Information Coordinating Committee, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

9. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Michigan Transition Initiative, including the functions of budgeting, procurement and management-related functions, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

10. Any authority, powers, duties, functions, and responsibilities of the Michigan Occupational Information System transferred to the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

11. Any authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Department of Corrections Job Training Programs transferred to the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

12. Any authority, powers, duties, functions, and responsibilities of the Employment Service Agency not transferred to the Michigan Strategic Fund under Section III.A.6 of Executive Order 1999-1, MCL 408.40, and established pursuant to the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75, transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

13. Any authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction to administer Adult Education Services transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, including all of the following:

a. Section 1 of 1946 (1st Ex Sess) PA 18, MCL 388.531, regarding adult education programs by counties, except any policy-making authority retained by the State Board of Education.

b. Section 2 of 1946 (1st Ex Sess) PA 18, MCL 388.532, regarding training and approval of adult education instructors, except any policy-making authority retained by the State Board of Education.

14. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities of the State Board of Education under federal law regarding vocational education, transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, including but not limited to all of the following:

a. The School to Work Opportunities Act of 1994, 20 USC 6101 to 6251, or any successor statute, except any policy-making authority retained by the State Board of Education.

b. The Job Training Partnership Act, 29 USC 1501 to 1792b, or any successor statute, except any policy-making authority retained by the State Board of Education.

15. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities of the State Board of Education or Superintendent of Public Instruction, as applicable, regarding postsecondary services transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, including but not limited to all of the following:

a. Sections 1 to 3 of 1943 PA 148, MCL 395.101 to 395.103, regarding proprietary schools, except any policy-making authority retained by the State Board of Education.

- b. Sections 1 to 5 of 1963 PA 40, MCL 395.121 to 395.125, regarding private trade schools or business schools, except any policy-making authority retained by the State Board of Education.
- c. Sections 170 to 177 of the Michigan General Corporation Act, 1931 PA 327, MCL 450.170 to 177, and Section 10(c) of 1964 PA 287, MCL 388.1010(c), regarding educational corporations and foundations, except any policy-making authority retained by the State Board of Education.
- d. Section 3 of the Revised School Code, 1976 PA 451, MCL 380.3, regarding the designation of service area boundaries for area vocational-technical programs, except any policy-making authority retained by the State Board of Education.
- e. Section 105(4) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.105(4), regarding the designation of territory outside of a community college district to become part of its vocational-technical service area, except any policy-making authority retained by the State Board of Education.
- f. Section 123(b) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.123(b), regarding the approval of tuition waivers in exchange for educational services rendered to community colleges, except any policy-making authority retained by the State Board of Education.
- g. Section 124(a) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.124(a), regarding the education reports for a community college, except any policy-making authority retained by the State Board of Education.
- h. Section 143 of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.143, regarding the approval of the community college accounting system, the filing of audits, and the inspection of books, except any policy-making authority retained by the State Board of Education.
- i. Section 2(d) of the Higher Education Loan Authority Act, 1975 PA 222, MCL 390.1152(d), regarding the designation of vocational schools eligible to receive student loans, except any policy-making authority retained by the State Board of Education.
- j. Section 3(d) of 1986 PA 102, MCL 390.1283(d), regarding the designation of eligible postsecondary institutions for participation in the part-time, Independent Student Grant Program, except any policy-making authority retained by the State Board of Education.
- k. Section 3 of 1986 PA 303, MCL 390.1323, regarding the designation of graduate and professional schools eligible to participate in the Michigan Graduate Work-Study Program, except any policy-making authority retained by the State Board of Education.
- l. Section 3 of 1986 PA 288, MCL 390.1373, regarding the designation of postsecondary schools eligible for the Michigan Work Study Program, except any policy-making authority retained by the State Board of Education.
- m. Section 3 of 1986 PA 273, MCL 390.1403, regarding the designation of postsecondary schools eligible for the Michigan Educational Opportunity Grant Program, except any policy-making authority retained by the State Board of Education.

n. 1964 PA 28, MCL 395.21, Sections 1 to 4 of 1964 PA 44, MCL 395.31 to 395.34, Sections 1 to 10 of 1919 PA 149, MCL 395.1 to 395.10, regarding the transfer of authority of the abolished State Board of Control for Vocational Education, that includes the authority to accept and disburse federal funds for specific federal grant programs, including, federal funds for vocational education under 20 USC 2301 to 2415, except any policy-making authority retained by the State Board of Education.

o. Administration of the Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301 et seq.

p. Administration of the King-Chavez-Parks Initiative, currently authorized in Sections 317, 318, and 321 of 2003 PA 169 and under Sections 118 and 501 to 507 of 2003 PA 144.

16. Any rule-making authority, powers, duties, functions, and responsibilities of the State Board of Education or the Superintendent of Public Instruction, as applicable, transferred to the Department of Career Development under Executive Order No. 1999-12, MCL 388.995, including but not limited to all of the following:

a. Section 61a of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1661a, regarding administrative rules relating to vocational education consortiums for state aid purposes, except any policy-making authority retained by the State Board of Education.

17. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities under 1979 AC, R 395.231 to 395.362; 1988 AACS, R 395.371; 1979 AC, R 395.372 to 395.375; and 1988 AACS, R 395.376, regarding reimbursed programs of vocational-technical education, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, and any policy-making authority retained by the State Board of Education.

18. Any authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction regarding the administration of career preparation program transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, including under Sections 67 and 68 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1667 and 388.1668, regarding the Advanced Career Academy and Michigan Career Preparation System grants, except any policy-making authority retained by the State Board of Education.

19. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 38e of the Single Business Tax Act, 1975 PA 228, MCL 208.38e, regarding the apprenticeship tax credit.

20. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 107 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1707, regarding allocation for adult education programs.

21. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 108 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1708, regarding adult learning programs.

22. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under the Career and Technical Preparation Act, 2000 PA 258, MCL 388.1901 to 388.1913.

23. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development to conduct with the Family Independence Agency joint orientation sessions for Family Independence Agency assistance applicants under Section 57d of The Social Welfare Act, 1939 PA 280, MCL 400.57d.

24. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 57f of The Social Welfare Act, 1939 PA 280, MCL 400.57f, regarding the Work First Program.

25. All other authority, powers, duties, functions, and responsibilities of the Department of Career Development, including but not limited to the functions of budgeting, procurement, and management.

B. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Council on Technical Excellence, created under Executive Order 2000-7, MCL 408.213 are transferred by Type III transfer to the Director of the Department of Labor and Economic Growth. The Council on Technical Excellence is abolished.

C. The Commission on Spanish-Speaking Affairs created under Section 2 of 1975 PA 164, MCL 18.302, transferred to the Director of the Department of Civil Rights under Executive Order 1991-29, MCL 37.111, and then transferred to the Department of Career Development under Executive Order 2000-5, MCL 18.311, is transferred by Type I Transfer to the Director of the Department of Labor and Economic Growth. The authority, powers, duties, functions, and responsibilities of the Department of Career Development relating to the Commission on Spanish-Speaking Affairs are transferred by Type II transfer to the Department of Labor and Economic Growth.

D. Any authority, powers, duties, functions, and responsibilities of the Michigan Workforce Investment Board created within the Department of Career Development under Executive Order 2002-5, MCL 408.101, is transferred by Type I Transfer to the Department of Labor and Economic Growth. The authority, powers, duties, functions, and responsibilities of the Department of Career Development relating to the Michigan Workforce Investment Board are transferred to the Department of Labor and Economic Growth.

E. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth, or his or her authorized representative, as applicable, including but not limited to all of the following:

1. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Interagency Council on Spanish-Speaking Affairs under 1975 PA 164, MCL 18.301 to 18.308, transferred to the Director of the Department of Career Development by Type III Transfer under Executive Order 2000-5, MCL 18.311. Section 2 of Executive Order 2000-5, MCL 18.311 is rescinded and the Interagency

Council on Spanish-Speaking Affairs is restored. The restored Interagency Council on Spanish-Speaking Affairs shall consist of all of the following members:

- a. The Director of the Department of Agriculture or his or her authorized representative.
  - b. The Director of the Department of Civil Rights or his or her authorized representative.
  - c. The Director of the Department of Civil Service or his or her authorized representative.
  - d. The Director of the Department of Community Health or his or her authorized representative.
  - e. The Director of the Department of Corrections or his or her authorized representative.
  - f. The Director of the Department of Environmental Quality or his or her authorized representative.
  - g. The Director of the Family Independence Agency or his or her authorized representative.
  - h. The Director of the Department of Information Technology or his or her authorized representative.
  - i. The Director of the Department of Labor and Economic Growth or his or her authorized representative.
  - j. The Director of the Department of Management and Budget or his or her authorized representative.
  - k. The Director of the Department of Natural Resources or his or her authorized representative.
  - l. The State Treasurer or his or her authorized representative.
  - m. The Superintendent of Public Instruction or his or her authorized representative.
  - n. The Attorney General or his or her authorized representative.
  - o. The Secretary of State or his or her authorized representative.
  - p. The Executive Director of the Women's Commission or his or her authorized representative.
  - q. The President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative.
  - r. The Executive Director of the Michigan State Housing Development Authority or his or her authorized representative.
2. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development under Section 353 of the Management and Budget Act, 1984 PA 431, MCL 18.1353, regarding certification of the seasonally adjusted state unemployment rate.



3. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development, or his or her authorized representative, under the Career Development and Distance Learning Act, 2002 PA 36, MCL 390.1571 to 390.1579.

F. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Career Development and any board, commission, council, or other similar entity within the Department of Career Development are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

G. The position on the Center for Educational Performance and Information Advisory Committee designated for a representative of the Department of Career Development under Section 94a of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1694a, is transferred the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

H. The position on the Michigan Merit Award Board designated for the Director of the Department of Career Development under Section 4 of the Michigan Merit Award Act, 1999 PA 94, MCL 390.1454, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

I. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Career Development for the activities, powers, duties, functions, and responsibilities transferred by this Section III are transferred to the Department of Labor and Economic Growth.

J. The Director of the Department of Labor and Economic Growth, after consultation with the Acting Director of the Department of Career Development, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

K. The Acting Director of the Department of Career Development and the Director of the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the transfers under this Section III and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Career Development.

L. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section III in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

M. The Department of Career Development is abolished.

#### **IV. DEPARTMENT OF COMMUNITY HEALTH**

A. Bureau of Health Services

1. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Services of the Department of Consumer and Industry Services, its Licensing Division, the Compliant and Allegation Division, the Health Professional Recovery Program , and any board, commission, council, or similar entity within the Bureau of Health Services, including but not limited to any regulation by the Bureau of Health Services of health professionals in Michigan licensed, registered, or certified under Articles 7, 15 and 17 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7101 to 333.7545, 333.16101 to 333.18838, and 333.20101 to 333.22260, are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Department of Community Health, except that any licensing council, board, or task force shall retain all of its statutory authority, powers, duties, functions, and responsibilities in the same manner as health-related councils, boards, and task forces transferred to the Department of Commerce under Executive Order 1991-9, MCL 338.3501.
2. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Consumer and Industry Services for programs or functions within the Bureau of Health Services being transferred to the Department of Community Health are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Director of the Department of Community Health, except that any licensing councils, boards, and task forces shall retain all of their statutory authority, powers, duties, functions, and responsibilities in the same manner as health-related councils boards and task forces transferred to the Department of Commerce under Executive Order 1991-9, MCL 338.3501.
3. The Directors of the Departments of Community Health and Labor and Economic Growth shall negotiate regarding the transfer of the support and personnel for the programs being transferred from the Bureau of Health Services to the Department of Community Health such that the transfers occur in the most efficient manner possible.
4. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Consumer and Industry Services related to the Bureau of Health Services and any board, commission, council, or other similar entity within the Bureau of Health Services are transferred to the Director of the Department of Community Health.
5. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Bureau of Health Services for the activities, powers, duties, functions, and responsibilities transferred by this Section IV.A are transferred to the Department of Community Health.

#### B. Bureau of Health Systems

1. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems of the Department of Consumer and Industry Services, including but not limited to the Division of Health and Facilities Services, the Division of Licensing and Certification, the Division of Nursing Home Monitoring, the Division of Operations, and any board, commission, council, or similar entity within the Bureau of Health Systems are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Director of the Department of Community Health.
2. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Consumer and Industry Services for programs or functions within the Bureau of Health Systems being transferred to the Department of Community Health are transferred by Type II Transfer

from the Department of Consumer and Industry Services to the Director of the Department of Community Health.

3. The transfer under this Section IV.B includes but is not limited to authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under all of the following:

a. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under Parts 201, 205, 208, 214, 215 and 217 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.20211, 333.20501 to 333.20554, 333.20801 to 333.20821, 333.21401 to 333.21568, and 333.21701 to 333.21799e. The transfer under this paragraph includes any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under Part 213 of the Public Health Code, 1978 PA 368, MCL 333.21301 to 31333, not transferred to the Family Independence Agency under Section VII.

b. Titles XVIII and XIX of the federal Social Security Act of 1965 and the federal Clinical Laboratory Improvement Act Amendments of 1988.

c. The authority, powers, duties, functions, and responsibilities of the Division of Federal Support Services.

d. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems related to the Division of Emergency Medical Services under Part 209 of the Public Health Code, 1978 PA 368, MCL 333.20901 to 333.20979.

4. The Directors of the Departments of Community Health and Labor and Economic Growth shall negotiate regarding the transfer of the support and personnel for the programs being transferred from the Bureau of Health Systems to the Department of Community Health such that the transfers occur in the most efficient manner possible.

5. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Consumer and Industry Services related to the Bureau of Health Systems and any board, commission, council, or other similar entity within the Bureau of Health Systems are transferred to the Director of the Department of Community Health.

6. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Bureau of Health Systems for the activities, powers, duties, functions, and responsibilities transferred by this Section IV.B are transferred to the Department of Community Health.

#### C. Controlled Substances Advisory Commission

1. The Controlled Substances Advisory Commission created under Section 7111 of the Public Health Code, 1978 PA 368, MCL 333.7111, is transferred by Type II Transfer to the Department of Community Health.

#### D. Advisory Committee on Pain and Symptom Management

1. The Advisory Committee on Pain and Symptom Management created under Section 16204a of the Public Health Code, 1978 PA 368, MCL 333.16204a, is transferred by Type II Transfer to the Department of Community Health.
2. The position as member and Chairperson of the Advisory Committee on Pain and Symptom Management designated under Section 16204a(1)(k) of the Public Health Code, 1978 PA 368, MCL 333.16204a(1)(k), for the Director of the Department of Consumer and Industry Services or his or her authorized representative is transferred to the Director of Community Health or his or her authorized representative.
3. The position as member of the Advisory Committee on Pain and Symptom Management designated under Section 16204a(1)(l) of the Public Health Code, 1978 PA 368, MCL 333.16204a(1)(l), for the Director of the Department of Community Health or his or her authorized representative is transferred to an authorized representative of the Director of the Department of Community Health.
4. Per diem compensation for members of the Advisory Committee on Pain and Symptom Management provided under Section 16204a(2) of the Public Health Code, 1978 PA 368, MCL 333.16204a(2), is subject to available appropriations.
5. The requirement under Section 16204a(4)(f) of the Public Health Code, 1978 PA 368, MCL 333.16204a(4)(f), that the Advisory Committee on Pain and Symptom Management annually report to the Department of Consumer and Industry Services is abolished, but the requirement to annually report to the Director of the Department of Community Health continues.
6. The responsibilities of the Department of Consumer Industry Services related to the development, publication, and distribution of an informational booklet on pain under Section 16204d of the Public Health Code, 1978 PA 368, MCL 333.16204d, are transferred by Type II Transfer to the Director of the Department of Community Health.

#### E. Implementation of Transfers to Department of Community Health

1. The Director of the Department of Community Health, after consultation with the Director of the Department of Consumer and Industry Services, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Community Health.
2. The Directors of the Departments of Community Health and Labor and Economic Growth shall immediately initiate coordination to facilitate the transfers under this Section IV and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Community Health.
3. The Director of the Department of Community Health shall administer any assigned functions under this Section IV in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

## **V. DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **Brownfield Redevelopment Board**

A. The position on the Brownfield Redevelopment Board created under Section 20104a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20104a, designated for the Chief Executive Officer of the Michigan Jobs Commission or his or her designee is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative.

B. The Director of the Department of Labor and Economic Growth, or the authorized representative of the Director serving as a member of the Brownfield Development Board under Section V.A, shall serve as the Chairperson of the Brownfield Redevelopment Board.

## **VI. DEPARTMENT OF TRANSPORTATION**

### **A. Detroit People Mover Oversight**

1. Any authority, powers, duties, and functions of the Department of Consumer and Industry Services under Section 5330 of the Federal Transit Act, 49 USC 5330, related to required oversight of the safety and security of the Detroit People Mover are transferred by Type II Transfer to the Director of the Department of Transportation.

2. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Labor and Economic Growth for the activities, powers, duties, functions, and responsibilities transferred by this Section VI are transferred to the Department of Transportation.

3. The Director of the Department of Transportation, in cooperation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Transportation.

4. The Directors of the Department of Transportation and the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the Type II Transfer under this Section VI and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Transportation.

5. The Director of the Department of Transportation shall administer any assigned functions under this Section VI in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. The Director of the Department of Transportation shall notify the United States Secretary of Transportation of the transfers under this Section VI pursuant to federal law.

### **B. Trolley Line Service Oversight**

1. Any authority, powers, duties, and functions of the Department of Consumer and Industry Services under Section 5330 of the Federal Transit Act, 49 USC 5330, relating to trolley line service oversight, are transferred by Type II Transfer to the Director of the Department of Transportation.
2. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Labor and Economic Growth for the activities, powers, duties, functions, and responsibilities transferred by this Section VI are transferred to the Department of Transportation.
3. The Director of the Department of Transportation, after consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Transportation.
4. The Directors of the Department of Transportation and the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the Type II Transfer under this Section VI and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Transportation.
5. The Director of the Department of Transportation shall administer any assigned functions under this Section VI in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.
6. The Director of the Department of Transportation shall notify the United States Secretary of Transportation of the transfers under this Section VI pursuant to federal law.

## **VII. FAMILY INDEPENDENCE AGENCY**

### **Office of Children and Adult Licensing**

A. Any authority, powers, duties, functions, and responsibilities of the Bureau of Family Services are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Family Independence Agency, including but not limited to all of the following:

1. Any authority, powers, duties, functions, and responsibilities of management support functions including but not limited to management information systems, facility support, and licensing hearings, except as provided in Section VII.D of this Order.
2. Any authority, powers, duties, functions, and responsibilities of adult foster care, adult foster care facility, adult foster care camp, adult camp, adult foster care family home, and adult foster care group home licensing and regulation under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, and 1974 PA 381, MCL 338.41 to 338.47.

3. Any authority, powers, duties, functions, and responsibilities of child welfare, child care organization, child caring institution, child placing organization, children's camp, child care center, day care center, foster family home, foster family group home, family day care home, and group day care home licensing and regulation under 1973 PA 116, MCL 722.111 to 722.128, the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

4. Any authority, powers, duties, functions, and responsibilities of licensing and regulation of homes for the aged under Article 17 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

B. The Adult Foster Care Licensing Advisory Council and all of its authority, powers, duties, functions, and responsibilities of the Adult Foster Care Licensing Advisory Council under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, are transferred by Type II Transfer to the Family Independence Agency.

C. The Director of the Family Independence Agency shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

D. The Director of the Family Independence Agency, after consultation with the Director of the Department of Consumer and Industry Services, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Family Independence Agency and all prescribed functions of rule-making, licensing, and registration, including but not limited to the prescription of rules, regulations, standards, and adjudications, under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, shall be transferred to the Director of the Family Independence Agency. The Bureau of Hearings of the Department of Consumer and Industry Services may continue to conduct hearings for the Bureau of Family Services. The Department of Consumer and Industry Services and the Family Independence Agency shall enter into an interdepartmental agreement providing for the conduct of hearings for the Bureau of Family Services by the Bureau of Hearings.

E. All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Department of Consumer and Industry Services for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Family Independence Agency.

F. The Directors of the Family Independence Agency and the Department of Consumer and Industry Services shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Family Independence Agency.

G. Upon transfer to the Family Independence Agency, the Bureau of Family Services is renamed the Office of Children and Adult Licensing.

## **VIII. MISCELLANEOUS**

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of Fiscal Year 2003-2004.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Article V, Section 2 of the Michigan Constitution of 1963, the provisions of this Executive Order are effective 60 days from the filing this Order.

Given under my hand and the Great Seal of the State of Michigan this 17th day of September, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE



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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 15**

**MICHIGAN CLEAN WATER CORPS**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 1 of 1931 PA 195, MCL 10.51, authorizes and empowers the Governor, at such times and for such purposes as the Governor deems necessary or advisable, to create special advisory bodies consisting of as many members as the Governor deems appropriate;

WHEREAS, the State of Michigan is blessed with an abundance of fresh water, including 3,251 miles of Great Lakes shoreline, 36,350 miles of streams and rivers, and over 11,000 inland lakes;

WHEREAS, Michigan's lakes and streams are of exceptional quality when compared to the rest of the nation and are undoubtedly among the state's most valuable resources;

WHEREAS, because the Department of Environmental Quality is charged with monitoring and protecting water quality in Michigan's lakes and rivers, the Department has established water quality monitoring and assessment programs, including volunteer monitoring programs for inland lakes and streams;

WHEREAS, the Department of Environmental Quality has developed a Strategic Environmental Quality Monitoring Program for Michigan's Surface Waters;

WHEREAS, Michigan citizens need to play an active role in protecting the state's water resources;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

**I. MICHIGAN CLEAN WATER CORPS**

A. The Michigan Clean Water Corps ("Corps") is created as an advisory body to the Department of Environmental Quality ("DEQ"). The Corps shall assist the DEQ in carrying out its mission to preserve and protect Michigan waters from impairment or destruction.

B. The primary responsibility of the Corps shall be to assist the DEQ in establishing a comprehensive statewide volunteer water quality monitoring network, built on the foundation of volunteer monitoring

programs already established by the DEQ, and to encourage the participation of other water quality monitoring programs in the Corps.

C. The Corps shall:

1. Solicit and organize volunteer monitors into a volunteer monitoring network to facilitate communication, data and information sharing, common methods, and quality assurance practices.
2. Advise and assist the DEQ in educating Michigan citizens about water quality issues and the need to foster exemplary environmental stewardship.
3. Advise and assist the DEQ in gathering and exchanging reliable and meaningful water quality data for water resources management and protection programs at the state and local level.
4. In cooperation with the DEQ establish an Internet-based program to assist Corps participants, including an enrollment registry, directory of member organizations, a data exchange platform, volunteer monitoring resources, training aids, and a newsletter.
5. Develop a volunteer monitoring recognition program with a Certificate of Recognition for each member organization and a Certificate of Participation for each volunteer member.

## **II. OPERATIONS OF THE CORPS**

A. The Director of the DEQ or his or her designated representative shall serve as Chairperson of the Corps.

B. The Corps shall be staffed by personnel from and be assisted by the DEQ.

C. The DEQ may adopt procedures for the Corps, not inconsistent with Michigan law and this Order, governing its organization and operations. The DEQ may establish Corps committees and request public participation on advisory panels as it deems necessary.

D. In developing recommendations, the DEQ or the Corps may, as appropriate, make inquiries, studies, or receive comments from the public. The DEQ may consult with outside experts in order assist the DEQ and the Corps in the performance of their duties.

E. The DEQ may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of powers and the performance of duties under this Order as the Director of the DEQ deems advisable and necessary, in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

F. The Corps may accept donations of labor, services, or other things of value from any public or private agency or person.

G. The DEQ shall coordinate legal, legislative, and media contacts regarding the Corps.

### **III. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the DEQ or to any member or representative of the DEQ, any necessary assistance required by the DEQ, or any member or representative of the DEQ, in the performance of the duties of the DEQ or the Corps under this Order, so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the DEQ or the Corps.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder the order. This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 30th day of September, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 16**

**END OF STATE OF ENERGY EMERGENCY**

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 3 of 1982 PA 191, MCL 10.83, a state of an energy emergency declared by the Governor is effective for the shorter of 90 days or until a finding that the energy emergency no longer exists;

WHEREAS, the Chairperson of the Energy Advisory Committee has advised that the energy emergency recognized by Executive Order 2003-11 no longer exists;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. The state of energy emergency proclaimed on August 21, 2003 under Executive Order 2003-11 is rescinded, effective immediately.

2. Executive Order 2003-12 is rescinded, effective immediately.

Given under my hand and the Great Seal of the State of Michigan this 30th day of September, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 17**

**RESCISSION OF EXECUTIVE ORDER No. 2003-14**

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Article V, Section 2 of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the provisions of Executive Order 2003-14 are effective 60 days from its filing on September 17, 2003, as provided under Article V, Section 2 of the Michigan Constitution of 1963;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the power vested in the Governor by the Michigan Constitution of 1963 and the laws of the State of Michigan order:

Executive Order 2003-14 is rescinded in its entirety.

This Order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 2nd day of October, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER No.2003 - 18**

**DEPARTMENT OF CAREER DEVELOPMENT  
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES  
DEPARTMENT OF COMMUNITY HEALTH  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DEPARTMENT OF MANAGEMENT AND BUDGET  
DEPARTMENT OF STATE POLICE  
DEPARTMENT OF TRANSPORTATION  
DEPARTMENT OF TREASURY  
FAMILY INDEPENDENCE AGENCY**

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

**EXECUTIVE REORGANIZATION**

WHEREAS, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Article V, Section 2 of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, Article V, Section 8 of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, the Department of Commerce was created as a principal department of state government under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325;

WHEREAS, the Department of Commerce was renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001;

WHEREAS, the Department of Labor was created as a principal department of state government under Section 375 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.475;

WHEREAS, certain authority, powers, duties, functions, and responsibilities of the Department of Labor were transferred to the Department of Consumer and Industry Services and the Department of Labor was abolished under Executive Order 1996-2, MCL 445.2001;

WHEREAS, reorganizing labor and economic development functions into one principal department will ensure more efficient use of taxpayer dollars and will allow the state to offer more streamlined services;

WHEREAS, because the development of cooperative economic alliances between business and labor will improve the lives of Michigan's working families and the vitality of Michigan's businesses, the State of Michigan should encourage such alliances;

WHEREAS, Michigan's already successful economic development programs will benefit from greater consolidation of and linkage to workforce development programs;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the power vested in the Governor by the Michigan Constitution of 1963 and Michigan law order:

## **I. DEFINITIONS**

As used in this Order:

- A. "Appellate Commissioner" means a member of the new Workers' Compensation Appellate Commission created under Section II.P of this Order.
- B. "Brownfield Redevelopment Board" means the board created within the Department of Environmental Quality under Section 20104a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20104a.
- C. "Bureau of Health Services" means the organizational unit of the Department and Consumer and Industry Services designated as the Bureau of Health Services.
- D. "Bureau of Health Systems" means the organizational unit of the Department of Consumer and Industry Services designated as the Bureau of Health Systems.
- E. "Bureau of Worker's Compensation" means the bureau established within the Department of Labor under Section 201 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.201, transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.
- F. "Bureau of Worker's and Unemployment Compensation" means the bureau established within the Department of Consumer and Industry Services under Executive Order 2002-1, MCL 445.2004.
- G. "Commission for the Blind" means the commission created in the Department of Labor under Section 2 of 1978 PA 260, MCL 393.352, and transferred to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001.

H. “Department of Career Development” means the principal department of state government created under Executive Order 1999-1, MCL 408.40.

I. “Department of Consumer and Industry Services” means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001.

J. “Department of Labor and Economic Growth” means the principal department of state government formerly known as the Department of Consumer and Industry Services and renamed the Department of Labor and Economic Growth under Section II.A of this Order.

K. “Department of Management and Budget” means the principal department of state government created under Section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121.

L. “Director of Unemployment Insurance” means the director of the Unemployment Insurance Agency created under Section II.N.

M. “Director of Workers’ Compensation” means the director of the Workers’ Compensation Agency created under Section II.O.

N. “Family Independence Agency” means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, and renamed the Family Independence Agency under Section 1 of the Social Welfare Act, 1939 PA 280, MCL 400.1.

O. “Former Wage and Hour Division” means the organizational unit created on January 31, 1992 within the Bureau of Safety and Regulation within the Department of Labor, the functions of which were transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker’s and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.

P. “Former Worker’s Compensation Appellate Commission” means the Worker’s Compensation Appellate Commission created under Section 274 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.274.

Q. “Michigan Broadband Development Authority” means the public body corporate and politic created under Section 4 of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3204.

R. “Michigan Economic Development Corporation” means the public body corporate created under Section 28 of Article VII of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999, and subsequently amended, between local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan Strategic Fund.



S. “Michigan Economic Growth Authority” means the authority created under the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.801 to 207.810, and transferred to the Michigan Strategic Fund under Executive Order 1999-1, MCL 408.40.

T. “Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority” means the authority created and established as an autonomous agency within the Department of Consumer and Industry Services under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103.

U. “Michigan Next Energy Authority” means the public body corporate and politic created under Section 3 of the Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.823.

V. “Michigan Strategic Fund” means the public body corporate and politic created under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005, and transferred to the Department of Management and Budget under Executive Order 1999-1, MCL 408.40, and includes the board of the Michigan Strategic Fund.

W. “Qualifications Advisory Committee” or “QAC” means the committee required under Section 209 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209. References in this Order to the “new Qualifications Advisory Committee” or “new QAC” mean the committee required under Section 209 of the Worker’s Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209, as modified under this Order.

X. “State Bar of Michigan” means the public body corporate under Section 901 of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.901, the membership of which consists of all persons licensed to practice law in this state.

Y. “State Budget Director” means the director of the State Budget Office created under Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321.

Z. “Type I Agency” means an agency established consistent with Section 3(a) of the Executive Organization Act of 1963, 1965 PA 380, MCL 16.103(a).

AA. “Type I Transfer” means that type of transfer as defined in Section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(a).

BB. “Type II Agency” means an agency established consistent with Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

CC. “Type II Transfer” means that type of transfer as defined in Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

DD. “Type III Transfer” means that type of transfer as defined in Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(c).

EE. “Type IV Transfer” means a basic type transfer where all statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting, procurement, personnel, and management-related functions

are retained by the transferred entity and the transferred entity remains an autonomous entity, in the same manner as the Michigan Employment Security Commission was designated an autonomous entity within the Michigan Department of Labor under Section 379 of the Executive Organization Act, 1965 PA 380, MCL 16.479, and the Michigan Strategic Fund was transferred to the Michigan Department of Management and Budget under Executive Order 1999-1, MCL 408.40.

FF. “Unemployment Insurance Agency” means the organizational unit within the Department of Labor and Economic Growth created under Section II.N.

GG. “Wage and Hour Administrator” means the head of the new Wage and Hour Division created under Section II.L.

HH. “Wage and Hour Division” means the new Wage and Hour Division, an organizational unit within the Department of Labor and Economic Growth created under Section II.L.

II. “Worker's Compensation Board of Magistrates” or “Board of Magistrates” means the board established as an autonomous entity within the Department of Labor under Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213, the functions of which were transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.

JJ. “Workers' Compensation Agency” means the organizational unit within the Department of Labor and Economic Growth created under Section II.O.

KK. “Workers' Compensation Appellate Commission” means the new Workers' Compensation Appellate Commission established under Section II.P.

## **II. DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

### **A. General**

1. Consistent with Article V, Section 2 of the Michigan Constitution of 1963, which limits the number of principal departments to 20, the Department of Consumer and Industry Services is renamed the Department of Labor and Economic Growth and will continue as a principal department of the Executive Branch.

2. Any and all statutory references to the Department of Consumer and Industry Services not inconsistent with this Order shall be deemed references to the Department of Labor and Economic Growth.

3. The Director of the Department of Labor and Economic Growth shall provide executive direction and supervision for the implementation of all transfers to the Department of Labor and Economic Growth under this Section II. The functions transferred to the Department of Labor and Economic Growth under this Section II shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth to the extent provided in this Order, including but not

limited to all prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

4. Any authority, duties, powers, functions, and responsibilities transferred in this Section II may in the future be reorganized to promote efficient administration by the Director of the Department of Labor and Economic Growth.

5. The Director of the Department of Labor and Economic Growth shall, in addition to the other duties and responsibilities given to the Director under this Order, or assigned or transferred to the Director as head of the Department of Labor and Economic Growth, be responsible for the oversight and supervision of the employees of the Department of Labor and Economic Growth and for the operations of the Department of Labor and Economic Growth. The Director shall also perform other duties and exercise other powers as the Governor may prescribe.

6. The Director of the Department of Labor and Economic Growth may perform a duty or exercise a power conferred by law or executive order upon the Director at the time and to the extent the duty or power is delegated to the Director by law or order.

7. The Director of the Department of Labor and Economic Growth may by written instrument delegate a duty or power conferred by law or order to an authorized representative and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Director of the Department of Labor and Economic Growth.

8. The Director of the Department of Labor and Economic Growth shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### B. Advisory Council on Deaf and Hard of Hearing

1. The Advisory Council on Deaf and Hard of Hearing created as the Advisory Council on Deafness within the Department of Labor under the Division on Deafness Act, 1937 PA 72, MCL 408.201 to 408.210, transferred from the Department of Labor to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001, and renamed under Executive Order 2002-10, MCL 445.1991, is transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth.

2. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Section II.B are transferred to the Department of Labor and Economic Growth.

3. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

4. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.B and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Family Independence Agency.

5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.B in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### C. Bureau of Construction Codes and Fire Safety

1. Any authority, powers, duties, functions, and responsibilities, including but not limited to the functions of budgeting, procurement, management-related functions, and functions under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34, of the Fire Marshal Division of the Department of State Police, except any authority, powers, duties, functions, and responsibilities previously transferred from the Department of State Police under Executive Order 1997-2, MCL 29.451, are transferred by Type II Transfer from the Department of State Police to the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety, except for the authority, powers, duties, functions, and responsibilities of the Department of State Police under any of the following:

- a. 1978 PA 170, MCL 28.71 to 28.72, relating to the state arson strike force unit.
- b. Section 6 of the Fire Prevention Code, 1941 PA 207, MCL 29.6 (fire investigations).
- c. Section 7 of the Fire Prevention Code, 1941 PA 207, MCL 29.7 (criminal enforcement).
- d. The Fire Investigator Training Program, including, but not limited to functions related to fire investigation training to locals under Section 109 of 2003 PA 149.

2. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal, and the authority powers, duties, functions, and responsibilities of the Director of the Department of State Police under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34, except for any authority, powers, duties, functions, and responsibilities previously transferred from the State Fire Marshal or the Director of the Department of State Police under Executive Order 1997-2, MCL 29.451, and those retained within the Department of State Police under this Section II.C, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth. The Director of the Department of Labor and Economic Growth may establish the position of State Fire Marshal within the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety.

3. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal under any of the following programs or provisions of Michigan law are transferred by Type II Transfer to the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety:

- a. Section 204 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.204.

- b. Section 77101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.77101.
  - c. Section 22210 of the Public Health Code, 1978 PA 368, MCL 333.22210.
  - d. Section 1285a of the Revised School Code, 1976 PA 451, MCL 380.1285a.
  - e. 1937 PA 306, MCL 388.851 to 388.855a.
  - f. Section 58 of the Social Welfare Act, 1939 PA 280, MCL 400.58.
  - g. The Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737.
  - h. Section 20 of 1967 PA 227, MCL 408.820.
  - i. Section 1 of 1942 (1st Ex Sess) PA 9, MCL 419.201.
  - j. Section 12 of the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.22.
  - k. Section 16 of 1944 (1st Ex Sess) PA 52, MCL 561.16.
  - l. 1973 PA 116, MCL 722.111 to 722.128.
  - m. The Juvenile Firesetter Intervention Program.
  - n. The Public Fire Education Program.
4. Any authority, powers, duties, functions, and responsibilities of the Office of Fire Safety and the State Fire Marshal under Section 3a of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1503a, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.
5. Any authority, powers, duties, functions and responsibilities of the Director of the Department of State Police related to the functions transferred to the Department of Labor and Economic Growth by this Section II.C, are transferred by Type II Transfer from the Director of the Department of State Police to the Director of the Department of Labor and Economic Growth.
6. Any authority, powers, duties, functions, and responsibilities of the Fire Fighters Training Council under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type I Transfer from the Department of State Police to the Department of Labor and Economic Growth. Any authority, powers, duties, functions, and responsibilities of the Department of State Police under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type II Transfer from the Department of State Police to the Department of Labor and Economic Growth. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of State Police under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type II Transfer from the Director of the Department of State Police to the Director of the Department of Labor and Economic Growth.

7. The position as a member of the Fire Fighters Training Council designated under Section 3(1)(a) of the Fire Fighters Training Council Act of 1996, 1966 PA 291, MCL 29.363(1)(a), for the Director of the Department of State Police or his or her authorized representative, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative. All the statutory authority of the Firefighters Training Council to designate from among its members a Chairperson under Section 5 of the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.365, is transferred to the Governor.
8. All the statutory authority of the Fire Safety Board, created under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34, and transferred to the Department of Consumer and Industry Services under Executive Order 1997-2, MCL 29.451, to designate one of its members as Chairperson of the Board pursuant to Section 3b(5) of the Fire Prevention Code, 1941 PA 207, MCL 29.3b(5), is transferred to the Governor.
9. The position of member of the Electrical Administrative Board consisting of a representative the Department of State Police, Fire Marshal Division, appointed by the Director of the Department of State Police under Section 2(1) of the Electrical Administrative Act, 1956 PA 217, MCL 338.882(1), is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.
10. The position of member of the Board of Mechanical Rules designated for the State Fire Marshal or the State Fire Marshal's designee under Section 3 of the Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.973, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.
11. Any authority, powers, duties, functions, and responsibilities of the Department of State Police and the Director of the Department of State Police under 1931 PA 328, MCL 750.243a to 750.243e (fireworks), except any authority, power, duties, functions, and responsibilities of a peace officer of this state, or a political subdivision of this state, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.
12. All remaining authority, powers, duties, functions, and responsibilities of the Department of State Police, the Director of the Department of State Police, the Fire Marshal Division, and the State Fire Marshal not transferred under this Section II.C are vested in the Director of the Department of State Police. The Director of the Department of State Police may create and maintain a division or other organizational unit of the Department of State Police as he or she deems necessary, expedient, and efficient, and organize or reorganize the division or organizational unit, including the appointment of division or organizational unit heads, assistants, and employees, with titles, powers, and duties related to the administration and enforcement of the authority, powers, duties, functions, and responsibilities retained under this Section II.C.
13. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal as Commissioner of the Michigan State Police ex-officio under Section 5 of 1935 PA 59, MCL 28.5, are transferred to the Director of the Department of State Police.
14. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal relating to the promulgation of rules relating to the authority, powers, duties, functions, and responsibilities retained within the Department of State Police under this Section II.C are transferred to the Director of the

Department of State Police. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal or the Director of the Department of State Police relating to the promulgation of rules relating to the authority, powers, duties, functions, and responsibilities transferred to the Department of Labor and Economic Growth under this Section II.C are transferred to the Director of the Department of Labor and Economic Growth.

15. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Fire Marshal Division for the activities transferred to the Department of Labor and Economic Growth under this Section II.C are transferred to the Department of Labor and Economic Growth.

16. The Director of the Department of Labor and Economic Growth shall provide executive direction and supervision for the implementation of the transfers to the Department of Labor and Economic Growth under this Section II.C. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

17. The Director of the Department of State Police and the Director of the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or other obligations relating to the Fire Marshal Division and the transfers under this Section II.C to be resolved by the Department of State Police.

18. The Directors of the Departments of Labor and Economic Growth and State Police shall administer any assigned functions under this Section II.C in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### D. Commission for the Blind

1. Any authority, powers, duties, functions, and responsibilities of the Commission for the Blind are transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth, including but not limited to the authority, powers, duties, functions, and responsibilities under all of the following:

- a. 1978 PA 260, MCL 393.351 to 393.369.
- b. Section 7a of 1913 PA 271, MCL 399.7a.
- c. Section 2 of 1941 PA 205, MCL 252.52.
- d. Section 4 of 1988 PA 112, MCL 450.794.
- e. Section 208 of the Michigan Museum Act, 1990 PA 325, MCL 399.508.

2. Any authority, powers, duties, functions, and responsibilities of the Director of the Family Independence Agency relating to the Commission for the Blind, including but not limited to the authority, powers, duties, functions, and responsibilities assigned to the Director of the Department of

Labor by 1978 PA 260, MCL 393.351 to 393.369, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

3. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Section II.D are transferred to the Department of Labor and Economic Growth.

4. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

5. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.D and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Family Independence Agency.

6. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.D in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### E. Commission on Disability Concerns

1. The Commission on Disability Concerns established within the Department of Labor under Executive Order 1995-11, MCL 395.351, and transferred to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001, is transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth.

2. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Section II.E are transferred to the Department of Labor and Economic Growth.

3. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

4. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.E and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Family Independence Agency.



5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.E in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

F. Department of Treasury  
Brownfield Redevelopment Single Business Tax Credits

1. All of the following authority, powers, duties, functions, and responsibilities of the Department of Treasury or the State Treasurer related to brownfield redevelopment Single Business Tax credits for projects with a cost of \$10,000,000 or less are transferred by Type II Transfer from the Department of Treasury and the State Treasurer to the Director of the Department of Labor and Economic Growth:

a. Receipt and review of applications for approval of projects, approval of applications or projects, denial of applications or projects, issuance of preapproval letters, and assignment of project numbers under Section 38g(2) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(2).

b. Consideration of criteria reasonably applicable to a project under Section 38g(6) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(6).

c. Receipt of documentation of the market value of leased property under Section 38g(10) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(10).

2. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Treasury for the activities, powers, duties, functions, and responsibilities transferred under Section II.F.1, and identified for transfer under a memorandum of understanding between the Department of Treasury and the Department of Labor and Economic Growth implementing this Order, are transferred to the Department of Labor and Economic Growth. This paragraph shall not be construed to require a transfer of records prohibited under Michigan law.

3. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of the transfers under Section II.F.1. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

4. The Director of the Department of Labor and Economic Growth and the State Treasurer shall immediately initiate coordination to facilitate the transfers under Section II.F.1 and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Treasury.

5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under Section II.F.1 in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. All of the following authority, powers, duties, functions, and responsibilities of the Department of Treasury or the State Treasurer related to brownfield redevelopment Single Business Tax credits for projects with a cost of \$10,000,000 or less are transferred without regard to the type of transfer from the Department of Treasury and the State Treasurer to the Michigan Economic Growth Authority:

a. Receipt and review of documentation for project completion, accounting of project costs, eligible investment activity, and property ownership or lease information; verification of project completion; and issuance of certificates of completion under Section 38g(8) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(8).

b. Prescription of forms and receipt of assignment forms under Section 38g(17) of the Single Business Tax Act, 1975 PA 225, MCL 208.38g(17).

c. Approval of an alternative method for assigning credits or portions of credits, prescription of forms, and receipt of assignment forms under Section 38g(18) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(18).

d. Preparation of annual reports to the House of Representatives and Senate committees responsible for tax policy and economic development issues under Section 38g(30) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(30).

e. Review and approval or denial of petitions for project amendments under Section 38g(31) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(31).

f. Receipt of documentation relating to multiphase projects and multiphase project components, verification of completion of multiphase project components, and issuance of component completion certificates under Section 38g(32) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(32).

7. All the authority, power, duties, functions, and responsibilities of the State Treasurer under Section 38g(3) of the Single Business Tax Act, 1975 PA 225, MCL 208.38g(3), to concur with the approval by the Michigan Economic Growth Authority of applications for projects with a cost of more than \$10,000,000, or to approve or deny applications for projects with a cost of more than \$10,000,000 shall remain with the State Treasurer and are not transferred under this Order.

8. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Treasury for the activities, powers, duties, functions, and responsibilities transferred under Section II.F.6, and identified for transfer under a memorandum of understanding between the Department of Treasury and the Michigan Economic Growth Authority implementing this Order, are transferred to the Michigan Economic Growth Authority. This paragraph shall not be construed to require a transfer of records prohibited under Michigan law.

9. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of the transfers under Section II.F.6. The functions assigned to the Michigan Economic Growth Authority under Section II.F.6 shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

10. The Michigan Economic Growth Authority, Director of the Department of Labor and Economic Growth, and the State Treasurer shall immediately initiate coordination to facilitate the transfers under Section II.F.6 and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Treasury.

11. The Michigan Economic Growth Authority shall administer any assigned functions under Section II.F.6 in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### G. Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority

1. The powers, duties, functions, and responsibilities of the Director of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 to 484.3120, are transferred without regard to the type of transfer to the Director of the Department of Labor and Economic Growth. Except as provided in Section II.G.6, the Director of the Department of Labor and Economic Growth may assign powers, duties, functions, and responsibilities transferred to the Director of the Department of Labor and Economic Growth under this paragraph to employees of the Department of Labor and Economic Growth and may designate an employee of the Department as the Executive Secretary of the Michigan Extension Telecommunications Rights-of-Way Oversight Authority. Employees of the Department of Labor and Economic Growth assigned functions under this paragraph shall not be designated as the authorized representative of the Director of the Department under Section II.H.3.

2. The position of Director of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority established under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103, and the requirement under the same provision of Michigan law that the Director of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority report directly to the Governor are abolished.

3. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority shall remain a separate authority established under Article VII, Section 27 of the Michigan Constitution of 1963.

4. All budget, procurement, and management-related functions of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority assigned to the Department of Consumer and Industry Services under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103, shall be performed by the Department of Labor and Economic Growth under the direction and supervision of the Director of the Department of Labor and Economic Growth. The Department of Labor and Economic Growth shall be the appointing authority for any civil service employees of the Authority.

5. The Department of Labor and Economic Growth shall provide the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority with suitable offices, facilities, equipment, staff, and supplies for the Authority, as required under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103.

6. As authorized by Section 3(5) of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103(5), the Director of the Department of Labor and Economic Growth, on behalf of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority, may promulgate rules under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the implementation and administration of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 to 484.3120.
7. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Director of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority for the activities, powers, duties, functions, and responsibilities transferred by this Section II.G are transferred to the Department of Labor and Economic Growth.
8. The Director of the Department of Labor and Economic Growth shall provide executive direction and supervision for the implementation of the transfers under this Section II.G.
9. The Director of the Department of Labor and Economic Growth and the Director of the Michigan Telecommunications Rights-of-Way Oversight Authority shall immediately initiate coordination to facilitate the transfers under this Section II.G and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority.
10. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.G in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### H. Michigan Broadband Development Authority

1. Any authority, powers, duties, functions, responsibilities, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Michigan Broadband Development Authority, including but not limited to those under the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3201 to 484.3225, are transferred by Type I Transfer from the Department of Treasury to the Department of Labor and Economic Growth.
2. The Michigan Broadband Development Authority shall exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of Labor and Economic Growth. However, the budgeting, procurement, and related administrative or management functions of the Michigan Broadband Development Authority assigned to the State Treasurer under the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3205, are transferred to, and shall be performed under the direction and supervision of, the Director of the Department of Labor and Economic Growth. The Department of Labor and Economic Growth shall function as the appointing authority for any civil service employees of the Authority.
3. The position as a member of the Board of the Directors of the Michigan Broadband Authority designated for the President and Chief Executive Officer of the Michigan Economic Development Corporation under Section 6(2)(a) of the Michigan Broadband Development Authority Act, 2002 PA 49,

MCL 484.3206(2)(a), is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

4. In the absence or incapacity of the President and Chief Executive Officer of the Michigan Broadband Development Authority, or in the event of a vacancy in the office of President and Chief Executive Officer of the Michigan Broadband Development Authority, the Vice President of the Michigan Broadband Development Authority may exercise all of the powers, duties, functions, and responsibilities of the President and Chief Executive Officer in a temporary capacity acting as President and Chief Executive Officer, including but not limited to any functions assigned to the President and Chief Executive Officer of the Michigan Broadband Development Authority under this Order.

5. The Type I Transfer of the Michigan Broadband Development Authority under this Section II.H includes but is not limited to bonds, notes, loans, grants, reserves, and trust funds, subject to any agreement with note and bond holders, borrowers, grant recipients, or contract holders.

6. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Treasury for the activities, powers, duties, functions, and responsibilities transferred by this Section II.H are transferred to the Department of Labor and Economic Growth.

7. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer and the President and Chief Executive Officer of the Michigan Broadband Development Authority, shall provide executive direction and supervision for the implementation of the transfers. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

8. The Director of the Department of Labor and Economic Growth, the President and Chief Executive Officer of the Michigan Broadband Development Authority, and the State Treasurer shall immediately initiate coordination to facilitate the Type I Transfer under this Section II.H and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Broadband Development Authority.

9. The Director of the Department of Labor and Economic Growth shall administer any functions assigned to the Department of Labor and Economic Growth under this Section II.H in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### I. Michigan Economic Growth Authority

1. The position as a member of the Michigan Economic Growth Authority designated for the Director of the Michigan Jobs Commission or his or her authorized representative under Section 4(2)(a) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(a), is transferred to the President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative. The President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative shall serve as a member of the Michigan Economic Growth Authority.

2. The position as a member of the Michigan Economic Growth Authority designated for the Director of the Department of Management and Budget or his or her authorized representative under Section 4(2)(c) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(c), is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative.

3. The position as Chairperson of the Michigan Economic Growth Authority designated for the Director of the Michigan Jobs Commission or his or her authorized representative under Section 4(2)(a) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(a), is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative serving as a member of the Michigan Economic Growth Authority.

#### J. Michigan Next Energy Authority

1. Any authority, powers, duties, functions, responsibilities, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Michigan Next Energy Authority are transferred by Type I Transfer from the Department of Management and Budget to the Department of Labor and Economic Growth, including but not limited to those under all of the following:

a. The Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.821 to 207.827.

b. Section 9i of The General Property Tax Act, 1893 PA 206, MCL 211.9i.

2. The Michigan Next Energy Authority shall exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of Labor and Economic Growth. However, the budgeting, procurement, and related administrative or management functions of the Michigan Next Energy Authority assigned to the Director of the Department of Management and Budget under Section 3(2) of the Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.823(2) shall be performed by the Director of the Department of Labor and Economic Growth. The Department of Labor and Economic Growth shall function as the appointing authority for any civil service employees of the Authority.

3. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Section II.J are transferred to the Department of Labor and Economic Growth.

4. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Department of Management and Budget, shall provide executive direction and supervision for the implementation of the transfers. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

5. The Directors of the Department of Labor and Economic Growth and the Department of Management and Budget shall immediately initiate coordination to facilitate the Type I Transfer under this Section II.J and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Next Energy Authority.

6. The Director of the Department of Labor and Economic Growth and the Next Energy Authority shall administer any assigned functions under this Section II.J in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### K. Michigan Strategic Fund

1. The Michigan Strategic Fund is transferred by Type IV Transfer from the Department of Management and Budget to the Department of Labor and Economic Growth. The transfer under this Section II.K includes but is not limited to authority, powers, duties, functions, and responsibilities under all of the following:

a. The Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2001 to 125.2093.

b. The Michigan Renaissance Zone Act, 1996 PA 376, MCL 125.2681 to 125.2696.

c. Section 9f of The General Property Tax Act, 1893 PA 206, MCL 211.9f.

2. All administrative or housekeeping functions including budgeting, procurement, personnel, and management-related functions of the Michigan Strategic Fund shall be performed under the direction and supervision of the President of the Michigan Strategic Fund. The President of the Michigan Strategic Fund shall be the appointing authority for the civil service employees of the Michigan Strategic Fund.

3. The board position designated in Section 2005(3) of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005(3), for the Director of the Department of Commerce, transferred under Executive Order 1994-26, MCL 408.48, to the Director of the Michigan Jobs Commission, and subsequently transferred under Executive Order 1999-1, MCL 408.40, to the Director of the Department of Management and Budget, is transferred to the Director of the Department of Labor and Economic Growth, or one authorized representative from the Department of Labor and Economic Growth or the Michigan Economic Development Corporation designated by the Director. If the Director designates an authorized representative under this paragraph, the authorized representative of the Director may serve as a member of the of the board of the Michigan Strategic Fund irrespective of whether the Director of the Department of Labor and Economic Growth is absent.

4. The position of President of the Michigan Strategic Fund designated for one of two members of the board of the Michigan Strategic Fund serving at the pleasure of the Governor under Section 2005(4) of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005(4), is transferred to the Director of the Department of Labor and Economic Growth or, if a representative is designated under Section II.K.3, to the authorized representative of the Director under Section II.K.3. The Director of the Department of Labor and Economic Growth, or, if a representative is designated under Section II.K.3, the authorized representative of the Director serving as a member of the board of the Michigan Strategic Fund under Section II.K.3, shall be the President of the Michigan Strategic Fund.

5. The transfer of the Michigan Strategic Fund under this Section II.K includes but is not limited to bonds, notes, loans, grants, reserves, and trust funds, subject to any agreement with note and bond holders, borrowers, grant recipients, or contract holders.

6. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Section II.K are transferred to the Department of Labor and Economic Growth.

7. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Department of Management and Budget, shall provide executive direction and supervision for the implementation of the transfers. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

8. The Directors of the Department of Labor and Economic Growth and the Department of Management and Budget shall immediately initiate coordination to facilitate the transfers under this Section II.K and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Strategic Fund.

9. The Department of Labor and Economic Growth shall administer any functions assigned to the Department of Labor and Economic Growth under this Section II.K in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

#### L. Wage and Hour Division

1. The new Wage and Hour Division is created as a Type II Agency within the Department of Labor and Economic Growth. The new Wage and Hour Division shall be headed by a Wage and Hour Administrator.

2. Any authority, powers, functions, duties and responsibilities of the Former Wage and Hour Division of the Department of Consumer and Industry Services, transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred by Type II Transfer from the Bureau of Worker's and Unemployment Compensation to the new Wage and Hour Division within the Department of Labor and Economic Growth, including but not limited to any authority, powers, functions, duties, and responsibilities under each of the following:

a. The Minimum Wage Law of 1964, 1964 PA 154, MCL 408.381 to 408.398.

b. 1978 PA 390, MCL 408.471 to 408.490.

c. 1965 PA 166, MCL 408.551 to 408.558.

d. The Youth Employment Standards Act, 1978 PA 90, MCL 409.101 to 409.124.

3. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the new Wage and Hour Division.



4. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.L are transferred to the new Wage and Hour Division.

5. All rules, orders, contracts, and agreements relating to the functions transferred to the new Wage and Hour Division under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

#### M. Qualifications Advisory Committee

1. The new Qualifications Advisory Committee is established within the Workers' Compensation Agency. The new Qualifications Advisory Committee shall have all of the powers, duties, and functions assigned to the Qualifications Advisory Committee under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, including but not limited to those powers and duties under Sections 210, 212, and 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.210, 418.212, and 418.274.

2. The Qualifications Advisory Committee established under Section 209 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209 is abolished.

3. Any and all statutory references to the Qualifications Advisory Committee not inconsistent with this Order shall be deemed references to the new Qualifications Advisory Committee created under this Section II.M.

4. The Governor shall appoint a 10-member new Qualifications Advisory Committee. The Committee shall consist of persons who have experience in the area of worker's compensation. Employer interests and employee interests shall be equally represented on the Committee. Members shall be appointed for terms of 4 years except as otherwise provided in this Order. Vacancies on the Committee shall be filled by the Governor so that employer and employee interests continue to be equally represented on the Committee and shall be for the remainder of the unexpired term.

5. Members of the Qualifications Advisory Committee abolished under this Order serving as a member of the Qualifications Advisory Committee on the day prior to the effective date of this Order shall serve as members of the new Qualifications Advisory Committee until the date on which their appointment as a member of the Qualifications Advisory Committee abolished under this Order would have expired. The Governor shall appoint an additional number of members to the new Qualifications Advisory Committee necessary to reach 10 members. Members appointed by the Governor under this Section II.M.4 shall be appointed to 4-year terms beginning on the effective date of this Order.

6. The Governor shall appoint a member of the new Qualifications Advisory Committee to serve as the Chairperson of the new QAC at the pleasure of the Governor.

7. A quorum of the new Qualifications Advisory Committee shall consist of 6 members of the new QAC appointed and serving. The business of the new QAC shall be conducted by not less than a quorum.

8. Members of the new Qualifications Advisory Committee shall serve without compensation but may be reimbursed for all necessary expenses in connection with the discharge of their official duties as members of the committee, subject to available appropriations.

9. Staff and offices shall be provided for the new Qualifications Advisory Committee by the Workers' Compensation Agency.

10. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Qualifications Advisory Committee to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Qualifications Advisory Committee.

11. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.M are transferred to the new Qualifications Advisory Committee.

12. All rules, orders, contracts, and agreements relating to the functions transferred to the new Qualifications Advisory Committee by this Section II.M lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

#### N. Unemployment Insurance Agency

1. The Unemployment Insurance Agency is created as a Type II Agency within the Department of Labor and Economic Growth. The Unemployment Insurance Agency shall be headed by a Director of Unemployment Insurance.

2. Any authority, powers, functions, duties, and responsibilities of the Unemployment Agency transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order No. 2002-1, MCL 445.2004, are transferred from the Bureau of Worker's and Unemployment Compensation to the Unemployment Insurance Agency.

3. All of the statutory powers, functions, duties, and responsibilities of the Director of the former Unemployment Agency created in Section 5 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.5, defined as the Director of Employment Security in Executive Order 1997-12, MCL 421.94, and transferred to the Director of the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Director of the Bureau of Worker's and Unemployment Compensation to the Director of Unemployment Insurance.

4. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Unemployment Insurance Agency.

5. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties,

functions, and responsibilities transferred under this Section II.N are transferred to the Unemployment Insurance Agency.

6. All rules, orders, contracts, and agreements relating to the functions transferred to the Unemployment Insurance Agency by this Section II.N lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

#### O. Workers' Compensation Agency

1. The Workers' Compensation Agency is created as a Type II Agency within the Department of Labor and Economic Growth. The Workers' Compensation Agency shall be headed by a Director of Workers' Compensation.

2. Any authority, powers, functions, duties and responsibilities of the Bureau of Worker's Compensation transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Bureau of Worker's and Unemployment Compensation to the Workers' Compensation Agency.

3. Any authority, powers, functions, duties, and responsibilities of the Director of the Bureau of Worker's Compensation established in Chapter 2 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.201 to 418.274, transferred to the Director of the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Director of the Bureau of Worker's and Unemployment Compensation to the Director of Workers' Compensation.

4. The Worker's Compensation Board of Magistrates transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, shall be located within the Workers' Compensation Agency, but shall continue as an autonomous agency within the Department of Labor and Economic Growth.

5. All authority, powers, functions, duties, and responsibilities of the Assistant to the Director of the Bureau of Worker's Compensation with charge of an office under the fourth sentence of Section 205 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.205, are transferred by Type III Transfer to the Director of Workers' Compensation. The position of Assistant to the Director of the Bureau of Worker's Compensation with charge of an office under the fourth sentence of Section 205 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.205, is abolished.

6. Any remaining authority, powers, functions, duties, and responsibilities of the Bureau of Worker's and Unemployment Compensation or the Director of the Bureau of Worker's and Unemployment Compensation not otherwise transferred under this Order are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

7. The Bureau of Worker's and Unemployment Compensation and the position of Director of the Bureau of Worker's and Unemployment Compensation created under Executive Order 2002-1, MCL 445.2004, are abolished.

8. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation to facilitate the transfers

and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Workers' Compensation Agency.

9. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.O are transferred to the Workers' Compensation Agency, except as provided in Section II.O.6.

10. All rules, orders, contracts, and agreements relating to the functions transferred to the Workers' Compensation Agency under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

#### P. Workers' Compensation Appellate Commission

1. Upon the appointment of 5 Appellate Commissioners under Section II.P.4, all authority, powers, duties, functions, and responsibilities of the Former Worker's Compensation Appellate Commission and the Chairperson of the Former Worker's Compensation Appellate Commission, including but not limited to authority, powers, duties, functions, and responsibilities under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, are transferred to the new Workers' Compensation Appellate Commission created under this Section II.P, and the Former Worker's Compensation Appellate Commission is abolished. Any and all statutory references to the Former Worker's Compensation Appellate Commission not inconsistent with this Order shall be deemed references to the new Workers' Compensation Appellate Commission created under this Section II.P.

2. The new Workers' Compensation Appellate Commission is established as a Type I Agency within the Department of Labor and Economic Growth and shall perform its appellate functions independently and autonomously. However, the budgeting, procurement, and related administrative or management functions of the new Workers' Compensation Appellate Commission shall be performed by the Department of Labor and Economic Growth.

3. The new Workers' Compensation Appellate Commission has the power and authority to review the orders of the Director of Workers' Compensation and the orders and opinions issued by members of the Worker's Compensation Board of Magistrates as provided under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941. The new Workers' Compensation Appellate Commission may promulgate rules on administrative appellate procedure for purposes under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

4. The new Workers' Compensation Appellate Commission shall consist of 5 members appointed by the Governor with the advice and consent of the Senate. Only a person deemed suitable for appointment under Section II.P.6 is eligible for appointment as an Appellate Commissioner. Not later than January 30, 2004, the Governor shall appoint the initial 5 members of the new Workers' Compensation Appellate Commission. Of the 5 members initially appointed, 2 members shall be appointed for a term expiring on September 30, 2005, 2 members shall be appointed for a term expiring on September 30, 2006, and 1 member shall be appointed for a term expiring on September 30, 2007.

5. Except as provided in Section II.P.4, Appellate Commissioners shall be appointed for terms of 4 years. An Appellate Commissioner may be reappointed but an Appellate Commissioner that has served as a member of the Former Worker's Compensation Appellate Commission or the new Workers' Compensation Appellate Commission for a combined total of 12 years or more shall not be appointed to a new term. A vacancy caused by the expiration of a term shall be filled in the same manner as the original appointment. An Appellate Commissioner appointed to fill a vacancy created other than by expiration of a term shall be appointed for the balance of the unexpired term.

6. To be eligible for appointment as an Appellate Commissioner a person shall be a member in good standing of the State Bar of Michigan, successfully complete an interview with the new Qualifications Advisory Committee, and satisfy either of the following:

a. Document to the satisfaction of the new Qualifications Advisory Committee legal experience in the field of worker's compensation of not less than 5 years. To meet this requirement, a person must document to the new QAC a period of time totaling at least 5 years during which the person met at least one of the following criteria:

i. A significant portion of the applicant's personal practice has been in active worker's compensation trial practice representing claimants or employers.

ii. A significant portion of the applicant's personal practice has been in active worker's compensation appellate practice representing claimants or employers.

iii. Service as a member of the Board of Magistrates, the former worker's compensation appeals board provided for under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, the Former Worker's Compensation Appellate Commission, or the new Workers' Compensation Appellate Commission.

b. Successfully complete a written examination developed by the new Qualifications Advisory Committee and administered to applicants for the position of Worker's Compensation Appellate Commissioner in order to determine the person's ability and knowledge with regard to worker's compensation in the following areas:

i. Knowledge of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

ii. Skill with regard to fact finding.

iii. The Michigan Rules of Evidence.

iv. A basic understanding of human anatomy and physiology.

7. After completing personal interviews of persons applying for appointment as an Appellate Commissioner, the new Qualifications Advisory Committee shall determine the applicants the new QAC considers qualified for the position of Appellate Commissioner, prepare a list of qualified applicants, and regularly update and forward the list and any updates in writing to the Governor. A person determined to be qualified for the position of member of the Worker's Compensation Board of Magistrates prior to the effective date of this Order shall be considered qualified for appointment as an

Appellate Commissioner after the effective date of this Order. Personal interviews by the new QAC shall be used to determine a person's suitability for the position of Appellate Commissioner, especially with regard to his or her objectivity.

8. The Governor shall designate a member of the new Workers' Compensation Appellate Commission as its Chairperson, to serve as Chairperson at the pleasure of the Governor. The Chairperson shall have general supervisory control of and be in charge of the assignment and scheduling of the work of the new Workers' Compensation Appellate Commission. The Chairperson may also establish productivity standards that are to be adhered to by the new Workers' Compensation Appellate Commission, its members, and its panels. Each Appellate Commissioner shall devote full time to the functions of the new Workers' Compensation Appellate Commission and shall perform the functions of the office during the hours generally worked by officers and employees of the executive departments of this state.

9. In the event of an extended leave of absence or disability of an Appellate Commissioner, the Chairperson of the new Workers' Compensation Appellate Commission may select temporary Appellate Commissioners to serve for not more than 6 months in any 2-year period from a list maintained by the new Qualifications Advisory Committee. The list shall be composed of persons who are members of the State Bar of Michigan in good standing and who are former or retired members of the Former Worker's Compensation Appellate Commission, the new Workers' Compensation Appellate Commission, the former worker's compensation appeals board established under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, or the Worker's Compensation Board of Magistrates. A temporary Appellate Commissioner selected by the Chairperson of the new Workers' Compensation Appellate Commission shall have the same powers, duties, and responsibilities, as an appointed Appellate Commissioner.

10. Except as otherwise provided in Section II.P.11, matters for review by the Commission shall be randomly assigned to a panel of 3 Appellate Commissioners for disposition. The Chairperson of the Commission may reassign a matter in order to ensure timely review and decision of the matter. The decision reached by a majority of the randomly assigned 3-member panel shall be the decision of the new Workers' Compensation Appellate Commission.

11. Any matter for review by the new Workers' Compensation Appellate Commission that may establish a precedent with regard to worker's compensation in this state as determined by the Chairperson of the new Workers' Compensation Appellate Commission, or any matter that 2 or more members of the commission request be reviewed by the entire Commission, shall be reviewed and decided by the entire Commission.

12. The new Qualifications Advisory Committee shall evaluate the performance of each Appellate Commissioner at least once every 2 years. The evaluation shall be based upon at least the following criteria:

- a. Productivity including reasonable time deadlines for disposing of cases.
- b. Manner in conducting any hearings.
- c. Knowledge of rules of evidence as demonstrated by transcripts of proceedings in which the Appellate Commissioner participated as an Appellate Commissioner.

- d. Knowledge of the law.
- e. Evidence of any demonstrable bias against particular defendants, claimants, or attorneys.
- f. Written surveys or comments of all interested parties. To the extent authorized by Michigan law, information obtained by the new Qualifications Advisory Committee under this paragraph is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, in the same manner that information provided to the Qualifications Advisory Committee under Section 212(1)(g) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.212(1)(g), is exempt from disclosure.

13. After completing an evaluation under Section II.P.12, the new Qualifications Advisory Committee shall submit a written report, including any supporting documentation to the Governor regarding that evaluation, which may include but not be limited to recommendations with regard to 1 or more of the following:

- a. Promotion.
- b. Suspension.
- c. Removal.
- d. Additional training or education.

The Governor will respond in writing to the new Qualifications Advisory Committee regarding any action taken in response to a report of the new Qualifications Advisory Committee.

14. An Appellate Commissioner may be removed by the Governor for good cause, explained in writing. Good cause for removal shall include, but not be limited to, recommendation for removal by the new Qualifications Advisory Committee under Section II.P.13, lack of productivity, or other neglect of duties.

15. The Chairperson of the new Workers' Compensation Appellate Commission in cooperation with the Chairperson of the Worker's Compensation Board of Magistrates shall consult with Michigan law schools and universities, the State Bar of Michigan, and other legal associations for the purpose of establishing introductory and continuing legal education courses in worker's compensation. Appellate Commissioners, as a condition of continued employment, may be required by the new Qualifications Advisory Committee to attend the courses. Applicants for the position of Appellate Commissioner may also be required to attend the courses in order to be deemed by the new Qualifications Advisory Committee as eligible for appointment as an Appellate Commissioner.

16. The new Workers' Compensation Appellate Commission and its Chairperson shall provide information requested by the new Qualifications Advisory Committee necessary for the performance of the duties of the new Qualifications Advisory Committee under the Worker's Disability and Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, and this Order.

17. The Department of Labor and Economic Growth shall provide suitable office space for the new Workers' Compensation Appellate Commission and its functions.

18. The Department of Labor and Economic Growth shall provide the new Workers' Compensation Appellate Commission the staff necessary for the Commission to perform its duties under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, and this Order, which may include legal assistants for the purpose of legal research and otherwise assisting the Commission and the Appellate Commissioners.

19. Opinions issued by the new Workers' Compensation Appellate Commission shall be in writing and shall clearly define the legal principles being applied. The Commission shall provide for the public distribution of its opinions, including but not limited to distribution by electronic means such as the Internet.

20. By January 30, 2005, and each following January 30th, the new Qualifications Advisory Committee shall review the productivity and caseload of the new Workers' Compensation Appellate Commission, and shall recommend to the Governor in writing any reduction or increase in the number of Appellate Commissioners necessary in the opinion of the Qualifications Advisory Committee.

21. The Director of the Department of Labor and Economic Growth and the Chairperson of the Former Worker's Compensation Appellate Commission shall immediately initiate coordination to facilitate the transfers under this Section II.P, and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Former Worker's Compensation Appellate Commission.

22. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, powers, duties, functions, and responsibilities transferred under Sections II.P of this Order are transferred to the new Workers' Compensation Appellate Commission.

23. All rules, orders, opinions, contracts, and agreements relating to the functions of the Former Worker's Compensation Appellate Commission transferred to the new Workers' Compensation Appellate Commission under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

24. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Former Worker's Compensation Appellate Commission for the activities, powers, duties, functions, and responsibilities transferred under this Section II.P are transferred to the new Workers' Compensation Appellate Commission.

#### Q. Worker's Compensation Board of Magistrates

1. The number of members constituting the Worker's Compensation Board of Magistrates established under Section 213 of the Worker's Disability and Compensation Act of 1969, 1969 PA 317, MCL 418.213, is reduced from 30 members to 26 members. The Governor shall designate one of the 26 members of the Board of Magistrates as the Chairperson of the Worker's Compensation Board of Magistrates, who shall serve as Chairperson of the Board of Magistrates at the pleasure of the Governor.

2. The Board of Magistrates and its Chairperson shall provide information requested by the new Qualifications Advisory Committee necessary to the performance of the duties of the new Qualifications



Advisory Committee under the Worker's Disability and Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

3. By January 30, 2005, and each following January 30th, the new Qualifications Advisory Committee shall review the productivity and caseload of the Board of Magistrates, and shall recommend to the Governor in writing any reduction or increase in the number of members of the Board of Magistrates necessary in the opinion of the Qualifications Advisory Committee.

4. The Department of Labor and Economic Growth shall provide the Worker's Compensation Board of Magistrates the staff necessary for the Board of Magistrates to perform its duties under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, or this Order, which may include legal assistants for the purpose of legal research and otherwise assisting the Board of Magistrates and its members.

5. The Department of Labor and Economic Growth shall provide suitable office space for the Board of Magistrates and its functions.

### **III. DEPARTMENT OF CAREER DEVELOPMENT**

A. Except as otherwise provided in this Section III, all authority, power, duties, functions, and responsibilities of the Department of Career Development, including but not limited to, any board, commission, council, or similar entity within the Department of Career Development, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth, including but not limited to all of the following:

1. Any authority, powers, duties, functions, and responsibilities of the Governor's Workforce Commission, created under Section VII of Executive Order 1994-26, MCL 408.48. The position on the Governor's Workforce Commission designated for the Director of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, subsequently transferred to the Director of the Department of Career Development under Executive Order 1999-1, MCL 408.40, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

2. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development for Michigan Rehabilitative Services, pursuant to Executive Order 1999-1, MCL 408.40; the Rehabilitation Act of 1964, 1964 PA 232, MCL 395.81 to 395.90; 1952 PA 111, MCL 395.151 to 395.152; the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941; and the federal Rehabilitation Act of 1973, 29 USC 701 to 7961, transferred to the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

3. Any authority, powers, duties, functions, and responsibilities of the Michigan Rehabilitation Advisory Council established within the Department of the Michigan Jobs Commission under Executive Order 1994-20 and then transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

4. Any authority, powers, duties, functions, and responsibilities of the Federal JOBS Program, Work First and Grant Diversion programs, transferred to the Department of the Michigan Jobs Commission

under Executive Order 1994-26, MCL 408.48, and then transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

5. Any authority, powers, duties, functions, and responsibilities of the Michigan Community Service Commission, pursuant to 1994 PA 219, MCL 408.221 to 208.232, and Executive Order 1999-1, MCL 408.40.

6. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Governor's Office for Job Training, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

7. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Displaced Homemaker Program transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

8. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Michigan Occupational Information Coordinating Committee, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

9. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Michigan Transition Initiative, including the functions of budgeting, procurement and management-related functions, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

10. Any authority, powers, duties, functions, and responsibilities of the Michigan Occupational Information System transferred to the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

11. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Department of Corrections Job Training Programs transferred to the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

12. Any authority, powers, duties, functions, and responsibilities of the Employment Service Agency not transferred to the Michigan Strategic Fund under Section III.A.6 of Executive Order 1999-1, MCL 408.40, established pursuant to the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75, and transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

13. Any authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction to administer Adult Education Services transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, including all of the following:

- a. Section 1 of 1946 (1st Ex Sess) PA 18, MCL 388.531, regarding adult education programs by counties, except any policy-making authority retained by the State Board of Education.
- b. Section 2 of 1946 (1st Ex Sess) PA 18, MCL 388.532, regarding training and approval of adult education instructors, except any policy-making authority retained by the State Board of Education.

14. Any authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities of the State Board of Education under federal law regarding vocational education, transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, including but not limited to all of the following:

- a. The School to Work Opportunities Act of 1994, 20 USC 6101 to 6251, or any successor statute, except any policy-making authority retained by the State Board of Education.
- b. The Job Training Partnership Act, 29 USC 1501 to 1792b, or any successor statute, except any policy-making authority retained by the State Board of Education.

15. Any authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities of the State Board of Education or Superintendent of Public Instruction, as applicable, regarding postsecondary services transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, including but not limited to all of the following:

- a. Sections 1 to 3 of 1943 PA 148, MCL 395.101 to 395.103, regarding proprietary schools, except any policy-making authority retained by the State Board of Education.
- b. Sections 1 to 5 of 1963 PA 40, MCL 395.121 to 395.125, regarding private trade schools or business schools, except any policy-making authority retained by the State Board of Education.
- c. Sections 170 to 177 of the Michigan General Corporation Act, 1931 PA 327, MCL 450.170 to 177, and Section 10(c) of 1964 PA 287, MCL 388.1010(c), regarding educational corporations and foundations, except any policy-making authority retained by the State Board of Education.
- d. Section 3 of the Revised School Code, 1976 PA 451, MCL 380.3, regarding the designation of service area boundaries for area vocational-technical programs, except any policy-making authority retained by the State Board of Education.

- e. Section 105(4) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.105(4), regarding the designation of territory outside of a community college district to become part of its vocational-technical service area, except any policy-making authority retained by the State Board of Education.
- f. Section 123(b) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.123(b), regarding the approval of tuition waivers in exchange for educational services rendered to community colleges, except any policy-making authority retained by the State Board of Education.
- g. Section 124(a) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.124(a), regarding the education reports for a community college, except any policy-making authority retained by the State Board of Education.
- h. Section 143 of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.143, regarding the approval of the community college accounting system, the filing of audits, and the inspection of books, except any policy-making authority retained by the State Board of Education.
- i. Section 2(d) of the Higher Education Loan Authority Act, 1975 PA 222, MCL 390.1152(d), regarding the designation of vocational schools eligible to receive student loans, except any policy-making authority retained by the State Board of Education.
- j. Section 3(d) of 1986 PA 102, MCL 390.1283(d), regarding the designation of eligible postsecondary institutions for participation in the part-time, Independent Student Grant Program, except any policy-making authority retained by the State Board of Education.
- k. Section 3 of 1986 PA 303, MCL 390.1323, regarding the designation of graduate and professional schools eligible to participate in the Michigan Graduate Work-Study Program, except any policy-making authority retained by the State Board of Education.
- l. Section 3 of 1986 PA 288, MCL 390.1373, regarding the designation of postsecondary schools eligible for the Michigan Work Study Program, except any policy-making authority retained by the State Board of Education.
- m. Section 3 of 1986 PA 273, MCL 390.1403, regarding the designation of postsecondary schools eligible for the Michigan Educational Opportunity Grant Program, except any policy-making authority retained by the State Board of Education.
- n. 1964 PA 28, MCL 395.21; Sections 1 to 4 of 1964 PA 44, MCL 395.31 to 395.34; and Sections 1 to 10 of 1919 PA 149, MCL 395.1 to 395.10, regarding the transfer of authority of the abolished State Board of Control for Vocational Education, that includes the authority to accept and disburse federal funds for specific federal grant programs, including federal funds for vocational education under 20 USC 2301 to 2415, except any policy-making authority retained by the State Board of Education.
- o. Administration of the Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301 et seq.
- p. Administration of the King-Chavez-Parks Initiative, currently authorized in Sections 317, 318, and 321 of 2003 PA 169 and under Sections 118 and 501 to 507 of 2003 PA 144.

16. Any rule-making authority, powers, duties, functions, and responsibilities of the State Board of Education or the Superintendent of Public Instruction, as applicable, transferred to the Department of Career Development under Executive Order No. 1999-12, MCL 388.995, including but not limited to all of the following:

a. Section 61a of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1661a, regarding administrative rules relating to vocational education consortiums for state aid purposes, except any policy-making authority retained by the State Board of Education.

17. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities under 1979 AC, R 395.231 to 395.362; 1988 AACCS, R 395.371; 1979 AC, R 395.372 to 395.375; and 1988 AACCS, R 395.376, regarding reimbursed programs of vocational-technical education, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, and any policy-making authority retained by the State Board of Education.

18. Any authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction regarding the administration of career preparation programs transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, including under Sections 67 and 68 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1667 and 388.1668, regarding the Advanced Career Academy and Michigan Career Preparation System grants, except any policy-making authority retained by the State Board of Education.

19. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 38e of the Single Business Tax Act, 1975 PA 228, MCL 208.38e, regarding the apprenticeship tax credit.

20. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 107 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1707, regarding allocation for adult education programs.

21. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 108 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1708, regarding adult learning programs.

22. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under the Career and Technical Preparation Act, 2000 PA 258, MCL 388.1901 to 388.1913.

23. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development to conduct with the Family Independence Agency joint orientation sessions for Family Independence Agency assistance applicants under Section 57d of The Social Welfare Act, 1939 PA 280, MCL 400.57d.

24. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 57f of The Social Welfare Act, 1939 PA 280, MCL 400.57f, regarding the Work First Program.

25. All other authority, powers, duties, functions, and responsibilities of the Department of Career Development, including but not limited to the functions of budgeting, procurement, and management.

B. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Council on Technical Excellence, created under Executive Order 2000-7, MCL 408.213 are transferred by Type III transfer to the Director of the Department of Labor and Economic Growth. The Council on Technical Excellence is abolished.

C. The Commission on Spanish-Speaking Affairs created under Section 2 of 1975 PA 164, MCL 18.302, transferred to the Director of the Department of Civil Rights under Executive Order 1991-29, MCL 37.111, and then transferred to the Department of Career Development under Executive Order 2000-5, MCL 18.311, is transferred by Type I Transfer to the Director of the Department of Labor and Economic Growth. The authority, powers, duties, functions, and responsibilities of the Department of Career Development relating to the Commission on Spanish-Speaking Affairs are transferred by Type II transfer to the Department of Labor and Economic Growth.

D. Any authority, powers, duties, functions, and responsibilities of the Michigan Workforce Investment Board created within the Department of Career Development under Executive Order 2002-5, MCL 408.101, is transferred by Type I Transfer to the Department of Labor and Economic Growth. The authority, powers, duties, functions, and responsibilities of the Department of Career Development relating to the Michigan Workforce Investment Board are transferred to the Department of Labor and Economic Growth.

E. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth, or his or her authorized representative, as applicable, including but not limited to all of the following:

1. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Interagency Council on Spanish-Speaking Affairs under 1975 PA 164, MCL 18.301 to 18.308, transferred to the Director of the Department of Career Development by Type III Transfer under Executive Order 2000-5, MCL 18.311. Section 2 of Executive Order 2000-5, MCL 18.311, is rescinded and the Interagency Council on Spanish-Speaking Affairs is restored. The restored Interagency Council on Spanish-Speaking Affairs shall consist of all of the following members:

- a. The Director of the Department of Agriculture or his or her authorized representative.
- b. The Director of the Department of Civil Rights or his or her authorized representative.
- c. The Director of the Department of Civil Service or his or her authorized representative.
- d. The Director of the Department of Community Health or his or her authorized representative.
- e. The Director of the Department of Corrections or his or her authorized representative.

- f. The Director of the Department of Environmental Quality or his or her authorized representative.
  - g. The Director of the Family Independence Agency or his or her authorized representative.
  - h. The Director of the Department of Information Technology or his or her authorized representative.
  - i. The Director of the Department of Labor and Economic Growth or his or her authorized representative.
  - j. The Director of the Department of Management and Budget or his or her authorized representative.
  - k. The Director of the Department of Natural Resources or his or her authorized representative.
  - l. The State Treasurer or his or her authorized representative.
  - m. The Superintendent of Public Instruction or his or her authorized representative.
  - n. The Attorney General or his or her authorized representative.
  - o. The Secretary of State or his or her authorized representative.
  - p. The Executive Director of the Women's Commission or his or her authorized representative.
  - q. The President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative.
  - r. The Executive Director of the Michigan State Housing Development Authority or his or her authorized representative.
2. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development under Section 353 of the Management and Budget Act, 1984 PA 431, MCL 18.1353, regarding certification of the seasonally adjusted state unemployment rate.
3. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development, or his or her authorized representative, under the Career Development and Distance Learning Act, 2002 PA 36, MCL 390.1571 to 390.1579.
- F. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Career Development and any board, commission, council, or other similar entity within the Department of Career Development are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.
- G. The position on the Center for Educational Performance and Information Advisory Committee designated for a representative of the Department of Career Development under Section 94a of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1694a, is transferred the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

H. The position on the Michigan Merit Award Board designated for the Director of the Department of Career Development under Section 4 of the Michigan Merit Award Act, 1999 PA 94, MCL 390.1454, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

I. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Career Development for the activities, powers, duties, functions, and responsibilities transferred by this Section III are transferred to the Department of Labor and Economic Growth.

J. The Director of the Department of Labor and Economic Growth, after consultation with the Acting Director of the Department of Career Development, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

K. The Acting Director of the Department of Career Development and the Director of the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the transfers under this Section III and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Career Development.

L. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section III in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

M. The Department of Career Development is abolished.

#### **IV. DEPARTMENT OF COMMUNITY HEALTH**

##### **A. Bureau of Health Services**

1. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Services of the Department of Consumer and Industry Services, its Licensing Division, the Compliant and Allegation Division, the Health Professional Recovery Program, and any board, commission, council, or similar entity within the Bureau of Health Services, including but not limited to any regulation by the Bureau of Health Services of health professionals in Michigan licensed, registered, or certified under Articles 7, 15 and 17 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7101 to 333.7545, 333.16101 to 333.18838, and 333.20101 to 333.22260, are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Department of Community Health, except that any licensing council, board, or task force shall retain all of its statutory authority, powers, duties, functions, and responsibilities in the same manner as health-related councils, boards, and task forces transferred to the Department of Commerce under Executive Order 1991-9, MCL 338.3501.

2. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Consumer and Industry Services for programs or functions within the Bureau of Health Services being transferred to the Department of Community Health are transferred by Type II Transfer



from the Department of Consumer and Industry Services to the Director of the Department of Community Health, except that any licensing councils, boards, and task forces shall retain all of their statutory authority, powers, duties, functions, and responsibilities in the same manner as health-related councils boards and task forces transferred to the Department of Commerce under Executive Order 1991-9, MCL 338.3501.

3. The Directors of the Departments of Community Health and Labor and Economic Growth shall negotiate regarding the transfer of the support and personnel for the programs being transferred from the Bureau of Health Services to the Department of Community Health such that the transfers occur in the most efficient manner possible.

4. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Consumer and Industry Services related to the Bureau of Health Services and any board, commission, council, or other similar entity within the Bureau of Health Services are transferred to the Director of the Department of Community Health, except that any licensing council, board, or task force shall retain all of its statutory authority, powers, duties, functions, and responsibilities in the same manner as health-related councils, boards, and task forces transferred to the Department of Commerce under Executive Order 1991-9, MCL 338.3501..

5. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Bureau of Health Services for the activities, powers, duties, functions, and responsibilities transferred by this Section IV.A are transferred to the Department of Community Health.

#### B. Bureau of Health Systems

1. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems of the Department of Consumer and Industry Services, including but not limited to the Division of Health and Facilities Services, the Division of Licensing and Certification, the Division of Nursing Home Monitoring, the Division of Operations, and any board, commission, council, or similar entity within the Bureau of Health Systems are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Director of the Department of Community Health.

2. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Consumer and Industry Services for programs or functions within the Bureau of Health Systems being transferred to the Department of Community Health are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Director of the Department of Community Health.

3. The transfer under this Section IV.B includes but is not limited to authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under all of the following:

a. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under Parts 201, 205, 208, 214, 215 and 217 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.20211, 333.20501 to 333.20554, 333.20801 to 333.20821, 333.21401 to 333.21568, and 333.21701 to 333.21799e. The transfer under this paragraph includes only the authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under Part 213 of the Public Health Code, 1978 PA 368, MCL 333.21301 to 31333, not transferred to the Family Independence Agency under Section VII.

b. Titles XVIII and XIX of the federal Social Security Act of 1965 and the federal Clinical Laboratory Improvement Act Amendments of 1988.

c. The authority, powers, duties, functions, and responsibilities of the Division of Federal Support Services.

d. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems related to the Division of Emergency Medical Services under Part 209 of the Public Health Code, 1978 PA 368, MCL 333.20901 to 333.20979.

4. The Directors of the Departments of Community Health and Labor and Economic Growth shall negotiate regarding the transfer of the support and personnel for the programs being transferred from the Bureau of Health Systems to the Department of Community Health such that the transfers occur in the most efficient manner possible.

5. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Consumer and Industry Services related to the Bureau of Health Systems and any board, commission, council, or other similar entity within the Bureau of Health Systems are transferred to the Director of the Department of Community Health.

6. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Bureau of Health Systems for the activities, powers, duties, functions, and responsibilities transferred by this Section IV.B are transferred to the Department of Community Health.

#### C. Controlled Substances Advisory Commission

1. The Controlled Substances Advisory Commission created under Section 7111 of the Public Health Code, 1978 PA 368, MCL 333.7111, is transferred by Type II Transfer to the Department of Community Health.

#### D. Advisory Committee on Pain and Symptom Management

1. The Advisory Committee on Pain and Symptom Management created under Section 16204a of the Public Health Code, 1978 PA 368, MCL 333.16204a, is transferred by Type II Transfer to the Department of Community Health.

2. The position as member and Chairperson of the Advisory Committee on Pain and Symptom Management designated under Section 16204a(1)(k) of the Public Health Code, 1978 PA 368, MCL 333.16204a(1)(k), for the Director of the Department of Consumer and Industry Services, or his or her authorized representative, is transferred to the Director of Community Health or his or her authorized representative.

3. The position as member of the Advisory Committee on Pain and Symptom Management designated under Section 16204a(1)(l) of the Public Health Code, 1978 PA 368, MCL 333.16204a(1)(l), for the Director of the Department of Community Health, or his or her authorized representative, is transferred to an authorized representative of the Director of the Department of Community Health.

4. Per diem compensation for members of the Advisory Committee on Pain and Symptom Management provided under Section 16204a(2) of the Public Health Code, 1978 PA 368, MCL 333.16204a(2), is subject to available appropriations.

5. The requirement under Section 16204a(4)(f) of the Public Health Code, 1978 PA 368, MCL 333.16204a(4)(f), that the Advisory Committee on Pain and Symptom Management annually report to the Department of Consumer and Industry Services is abolished, but the requirement to annually report to the Director of the Department of Community Health continues.

6. The responsibilities of the Department of Consumer Industry Services related to the development, publication, and distribution of an informational booklet on pain under Section 16204d of the Public Health Code, 1978 PA 368, MCL 333.16204d, are transferred by Type II Transfer to the Director of the Department of Community Health.

#### **E. Implementation of Transfers to Department of Community Health**

1. The Director of the Department of Community Health, after consultation with the Director of the Department of Consumer and Industry Services, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Community Health.

2. The Directors of the Departments of Community Health and Labor and Economic Growth shall immediately initiate coordination to facilitate the transfers under this Section IV and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Community Health.

3. The Director of the Department of Community Health shall administer any assigned functions under this Section IV in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

### **V. DEPARTMENT OF ENVIRONMENTAL QUALITY**

#### **Brownfield Redevelopment Board**

A. The position on the Brownfield Redevelopment Board created under Section 20104a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20104a, designated for the Chief Executive Officer of the Michigan Jobs Commission or his or her designee is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative.

B. The Director of the Department of Labor and Economic Growth, or the authorized representative of the Director serving as a member of the Brownfield Development Board under Section V.A, shall serve as the Chairperson of the Brownfield Redevelopment Board.

### **VI. DEPARTMENT OF TRANSPORTATION**

A. Detroit People Mover Oversight

1. Any authority, powers, duties, and functions of the Department of Consumer and Industry Services under Section 5330 of the Federal Transit Act, 49 USC 5330, related to required oversight of the safety and security of the Detroit People Mover are transferred by Type II Transfer to the Director of the Department of Transportation.
2. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Labor and Economic Growth for the activities, powers, duties, functions, and responsibilities transferred by this Section VI are transferred to the Department of Transportation.
3. The Director of the Department of Transportation, in cooperation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Transportation.
4. The Directors of the Department of Transportation and the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the Type II Transfer under this Section VI and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Transportation.
5. The Director of the Department of Transportation shall administer any assigned functions under this Section VI in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.
6. The Director of the Department of Transportation shall notify the United States Secretary of Transportation of the transfers under this Section VI pursuant to federal law.

B. Trolley Line Service Oversight

1. Any authority, powers, duties, and functions of the Department of Consumer and Industry Services under Section 5330 of the Federal Transit Act, 49 USC 5330, relating to trolley line service oversight, are transferred by Type II Transfer to the Director of the Department of Transportation.
2. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Labor and Economic Growth for the activities, powers, duties, functions, and responsibilities transferred by this Section VI are transferred to the Department of Transportation.
3. The Director of the Department of Transportation, after consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Transportation.

4. The Directors of the Department of Transportation and the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the Type II Transfer under this Section VI and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Transportation.

5. The Director of the Department of Transportation shall administer any assigned functions under this Section VI in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. The Director of the Department of Transportation shall notify the United States Secretary of Transportation of the transfers under this Section VI pursuant to federal law.

## **VII. FAMILY INDEPENDENCE AGENCY**

### **Office of Children and Adult Licensing**

A. Any authority, powers, duties, functions, and responsibilities of the Bureau of Family Services, an organizational unit within the Department of Consumer and Industry Services, are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Family Independence Agency, including but not limited to all of the following:

1. Any authority, powers, duties, functions, and responsibilities of management support functions including but not limited to management information systems, facility support, and licensing hearings, except as provided in Section VII.D of this Order.

2. Any authority, powers, duties, functions, and responsibilities of adult foster care, adult foster care facility, adult foster care camp, adult camp, adult foster care family home, and adult foster care group home licensing and regulation under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, and 1974 PA 381, MCL 338.41 to 338.47.

3. Any authority, powers, duties, functions, and responsibilities of child welfare, child care organization, child caring institution, child placing organization, children's camp, child care center, day care center, foster family home, foster family group home, family day care home, and group day care home licensing and regulation under 1973 PA 116, MCL 722.111 to 722.128, the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

4. Any authority, powers, duties, functions, and responsibilities of licensing and regulation of homes for the aged under Article 17 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

B. The Adult Foster Care Licensing Advisory Council and all of its authority, powers, duties, functions, and responsibilities of the Adult Foster Care Licensing Advisory Council under the Adult Foster Care

Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, are transferred by Type II Transfer to the Family Independence Agency.

C. The Director of the Family Independence Agency shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

D. The Director of the Family Independence Agency, after consultation with the Director of the Department of Consumer and Industry Services, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Family Independence Agency and all prescribed functions of rule-making, licensing, and registration, including but not limited to the prescription of rules, regulations, standards, and adjudications, under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, shall be transferred to the Director of the Family Independence Agency. The Bureau of Hearings of the Department of Consumer and Industry Services may continue to conduct hearings for the Bureau of Family Services. The Department of Consumer and Industry Services and the Family Independence Agency shall enter into an interdepartmental agreement providing for the conduct of hearings for the Bureau of Family Services by the Bureau of Hearings.

E. All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Department of Consumer and Industry Services for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Family Independence Agency.

F. The Directors of the Family Independence Agency and the Department of Consumer and Industry Services shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Family Independence Agency.

G. Upon transfer to the Family Independence Agency, the Bureau of Family Services is renamed the Office of Children and Adult Licensing.

## **VIII. MISCELLANEOUS**

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of Fiscal Year 2003-2004.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Article V, Section 2 of the Michigan Constitution of 1963, the provisions of this Executive Order are effective on Sunday, December 7, 2003 at 12:00 a.m.

Given under my hand and the Great Seal of the State of Michigan this 2nd day of October, 2003.

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Jennifer M. Granholm  
GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**OPINIONS OF THE  
ATTORNEY GENERAL**

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*MCL 14.32 states in part:*

*“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*\* \* \**

*(j) Attorney general opinions. ”*



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**OPINIONS OF THE ATTORNEY GENERAL**

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MICHIGAN VEHICLE CODE: Enforcement of traffic laws on private roads

LAW ENFORCEMENT:

TRAFFIC RULES AND REGULATIONS:

The provisions of the Michigan Vehicle Code applicable to private roads authorize a police agency to issue citations to motorists for certain civil infractions and criminal traffic violations on private subdivision roads accessible to the public. Even if the road is not open to the general public, section 951 of the Michigan Vehicle Code, MCL 257.951, allows a person in charge of the road to contract with a city, township, or village to enforce provisions of the uniform traffic code or ordinance adopted under that section.

Opinion No. 7138

September 23, 2003

Honorable John P. Stakoe  
State Representative  
The Capitol  
Lansing, Michigan 48913

You have asked whether a police agency may issue citations to motorists for certain civil infractions and criminal traffic violations that occur on private subdivision roads accessible to the public.

The Michigan Vehicle Code (MVC), MCL 257.1 *et seq*, sets forth requirements for the licensure and regulation of drivers and vehicles using publicly maintained streets and highways. Certain of its provisions are applicable to private roads. Section 44(2) of the MVC, as amended by 1974 PA 138, defines a private road as:

[A] privately owned and maintained road, allowing access to more than 1 residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel. [MCL 257.44(2).]

Section 906, as added by 1974 PA 138, makes clear the authority of police officers on private roads:

Notwithstanding any other provision of law, a police officer may enter upon such a private road to enforce violations of this act. [MCL 257.906.]

However, this section must be read together with section 601 of the MVC, MCL 257.601, which states that the provisions of the MVC relating to the operation of vehicles refer "exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section." See *In re Forfeiture of \$5,264*, 432 Mich 242, 251; 439 NW2d 246 (1989) (each provision of an act is to be read with reference to every other provision so as to produce an harmonious whole). The term "highway[s]" refers to "way[s] publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel." MCL 257.20. A "private road" is not a publicly maintained way. MCL 257.44(2). Accordingly, while a police officer may issue citations or make arrests for violations of the MVC occurring on private roads, section 601 makes it clear that it must first be established that the section of the MVC violated applies to private roads.

The provisions of the MVC that currently set forth civil infractions and criminal traffic violations enforceable by police agencies on private roads include:

1. Authority to verify and place a notice on an abandoned vehicle on private property, MCL 257.252a;
2. Authority for removal of vehicles from private property, MCL 257.252b, 257.252c, 257.252d;
3. Failure to obey traffic control devices by driving through or upon private property, MCL 257.611(2);
4. Failure to stop, give information, render aid, and make reports as to accidents on private property, MCL 257.617(1), 257.617a(1), 257.620;

5. Transporting or possessing alcohol in an open container within the passenger compartment of a vehicle, MCL 257.624a;
6. Driving under the influence of alcohol or controlled substances, MCL 257.625(1)-(3);
7. Preliminary chemical breath analysis administration, MCL 257.625a(2);
8. Implied consent to chemical tests of blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or both, MCL 257.625c;
9. Reckless driving, MCL 257.626;
10. Speed or acceleration contests or drag racing, MCL 257.626a;
11. Careless or negligent driving, MCL 257.626b;
12. Felonious driving, MCL 257.626c;
13. Driving at a speed exceeding 15 miles per hour in a mobile home park, MCL 257.627(4);
14. Failure to stop and yield to traffic when entering a highway from a private road, MCL 257.652;
15. Parking in front of a private driveway, or in places reserved for the handicapped by non-handicapped drivers, MCL 257.674(1)(b) and (s); and
16. Operating a vehicle if the person's license or registration certificate is suspended, revoked, or denied, MCL 257.904.<sup>1</sup>

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<sup>1</sup> Several Attorney General opinions have addressed the subject of traffic enforcement on private roads based on the provisions of the MVC in effect at the time the opinions were issued. 2 OAG, 1956, No 2757, p 746 (December 14, 1956), examined the provisions of the MVC relating to enforcement of speed limits and reckless driving laws then in force and concluded they did not apply on private roads. OAG, 1979-1980, No 5468, p 114 (March 28, 1979), addressed whether certain amendments to the MVC adopted in 1974 expanded the authority of police officers to enforce traffic violations on private roads and identified numerous provisions of the MVC made enforceable on private roads by virtue of those amendments. OAG, 1981-1982, No 6026, p 528 (January 15, 1982), determined that "[p]rovisions dealing with the posting of speed limits are not among those which may be enforced under the [MVC] . . . on private property."

Certain conclusions reached in prior opinions should be relied on with caution in light of subsequent changes in the law. For example, OAG No 2757 should be viewed as updated by this opinion as to the enforceability of reckless driving laws only. The listing of provisions of the MVC enforceable on private roads set forth in OAG No 5468 should be viewed as superseded by the legislative changes identified in this opinion to the extent of any inconsistency between the two. OAG No 6026 has been superseded by legislative changes identified in this opinion as to the enforceability of speed limits in mobile home parks.

Section 951(1) of the MVC, MCL 257.951(1), authorizes a city, township, or village to adopt by reference a code or ordinance for the regulation of traffic within the municipality that has been promulgated by the Director of the Department of State Police. See 2002 MR 20, R 28.1001 *et seq.* Section 951(2) provides that a person in charge of a private road may request that the local police enforce such an ordinance on that private road:

A city, township, or village, with the consent of, or at the request of, a person who is in charge of a private road or parking lot, whether or not that road or parking lot is open to the general public, may contract with that person for the city, township, or village to enforce provisions of the uniform traffic code or ordinance adopted under this section on that private road or parking lot. As used in this subsection, "person" means an individual, corporation, association, partnership, or other legal entity. [MCL 257.951(2).]

It is my opinion, therefore, that the provisions of the MVC applicable to private roads authorize a police agency to issue citations to motorists for certain civil infractions and criminal traffic violations that occur on private subdivision roads accessible to the public. Even if the road is not open to the general public, section 951 of the MVC, MCL 257.951, allows a person in charge of the road to contract with a city, township, or village to enforce provisions of the uniform traffic code or ordinance adopted under that section.

MIKE COX  
Attorney General

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**OPINIONS OF THE ATTORNEY GENERAL**

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LEGISLATURE: Legislature's recall of enrolled bills

CONST 1963, ART 4, § 33:

STATUTES:

Senate Bill 393, which provides for urban high school academies, has become law pursuant to Const 1963, art 4, § 33, and should be assigned a public act number by the Secretary of State.

Opinion No. 7139

October 2, 2003

Honorable Jim Howell  
State Representative  
The Capitol  
Lansing, MI

You have asked whether Senate Bill 393, which provides for urban high school academies, has become law pursuant to Const 1963, art 4, § 33.

Senate Bill 393 (SB 393) was enrolled on August 13, 2003,<sup>1</sup> and presented to the Governor for her approval on September 8, 2003, at 5:00 p.m.<sup>2</sup> On September 18, 2003, the Senate requested that the bill be returned to the Senate.<sup>3</sup> The Governor granted the Senate's request on that same date and returned the bill to that body (without objections), where a motion was made to vacate the enrollment and the motion prevailed.<sup>4</sup> On September 23, 2003, the House of Representatives approved a motion to

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<sup>1</sup> 2003 Journal of the Senate 1589 (No. 71, August 13, 2003). SB 393 was given immediate effect. *Id.*

<sup>2</sup> 2003 Journal of the Senate 1608 (No. 72, September 16, 2003).

<sup>3</sup> 2003 Journal of the Senate 1636 (No. 74, September 18, 2003).

<sup>4</sup> 2003 Journal of the Senate 1660 (No. 74, September 18, 2003).

send a letter to the Senate agreeing with the Senate's request that the Governor return SB 393.<sup>5</sup> Neither the Senate nor the House Journal entries reveal any other action taken by the House of Representatives regarding the return of SB 393.

The constitutional provision that governs your inquiry is Const 1963, art 4, § 33, which provides in its entirety:

Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house pass the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. *If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.* [Emphasis added.]

The Michigan Supreme Court has considered whether and how bills passed by both houses of the Legislature and presented to the Governor for approval can be recalled from the Governor. In *Anderson v Atwood*, 273 Mich 316, 319-320; 262 NW 922 (1935), the Court quoted with approval the following "well settled rule":

"Constitutional provisions regulating the presentation, approval, and veto of bills by the executive are mandatory, and the procedure as thus established cannot be enlarged, curtailed, changed, or qualified, by the legislative body." 59 C. J. p. 575.

*"In the absence of a constitutional restriction the legislature may, by concurrent action of both houses, recall a bill which has been presented to the governor; but such recall will not have the effect of making the bill operative as a law, or affect the validity*

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<sup>5</sup> 2003 Journal of the House 1692 (No. 65, September 23, 2003).

of the measure as finally passed and approved by the executive. The recall is effective if a bill is willingly returned *upon request supported by the concurrent action of the two houses*, although the request is not by means of a joint resolution; but after a bill has been passed in the legal and constitutional form by both houses of the legislature, and transmitted to the governor for his signature, *neither branch of the legislature can, without the consent of the other, recall the bill for the purpose of further legislative action thereon.*" 59 C. J. p. 578. [Emphasis added.]

The Court in *Anderson* had under review Const 1908, art 5, § 36, a predecessor provision to Const 1963, art 4, § 33, but the constitutional language relevant to your question is not materially different between the two provisions. Const 1908, art 5, § 36, provided, in relevant part:

If he approve, he shall sign it; if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal and reconsider it. . . . If any bill be not returned by the governor within 10 days, Sundays excepted, after it has been presented to him, it shall become a law in like manner as if he had signed it, unless the legislature, by adjournment, prevents its return, in which case it shall not become a law.

The corresponding language of Const 1963, art 4, § 33, provides:

If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. . . . If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it.

Neither provision specifically addresses the return of a bill upon a request by both houses of the Legislature and neither provision includes a "constitutional restriction" on the power of the Legislature to recall bills that have been presented to the Governor. There being no material difference between the constitutional language governing the *Anderson* case, and the constitutional language now in effect, *Anderson* remains controlling law.<sup>6</sup>

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<sup>6</sup> For the updated sections of American Jurisprudence 2d and Corpus Juris Secundum evidencing that the settled rule stated in *Anderson* remains the rule today, see 73 Am Jur 2d Statutes, §§ 32-37, and 82 CJS Statutes §§ 43-46, p 70. For one exception, see *In re King v Cuomo*, 81 NY2d 247; 597 NYS2d 918; 613 NE2d 950 (1993).

Indeed, the well-settled rule of *Anderson* is consistent with the advice this office has provided over the past 25 years relating to the effect to be given legislative requests to return enrolled bills. As succinctly stated in Letter Opinion of the Attorney General to Senator Patrick H. McCollough, dated December 6, 1977, then Attorney General Frank J. Kelley concluded:

The request by the legislature to return an enrolled bill once it has been presented to the Governor for signature must be a joint or concurrent action of both houses; a request for return of the bill by either house independently of the other is ineffective. Even if the [G]overnor returns a bill upon the request of a single house, that house is not able to vacate the action of enrollment.<sup>7</sup>

A similar conclusion was reached in the following opinions: Letter Opinion of the Attorney General to Senators Fred Dillingham and John Kelly, dated May 20, 1993; Letter Opinion of the Attorney General to Senators Arthur Miller, Jr. and John D. Cherry, dated May 5, 1992; and Informational Letter from Chief Assistant Attorney General Stanley D. Steinborn to Deputy Secretary of State Phillip T. Frangos, dated June 9, 1993 (citing cases from other jurisdictions).<sup>8</sup>

One basis for this rule was explained in *Opinion of the Justices*, 54 Del 164; 174 A2d 818, 819 (1961), *quoted in* Letter Opinion to Senators Dillingham and Kelly at p 2:

Any bill or joint resolution requires for passage the concurrence of a majority of all the members elected to each House. . . . The delivery of the bill to the Governor is based upon the joint action of the two houses. If any subsequent legislative action can lawfully be taken to affect the status of the bill in the Governor's hands . . . it must likewise be joint action. In our opinion one house has no such power of recall, even with the Governor's consent.

In order to determine whether SB 393 has become law, it is necessary to examine whether SB 393 was recalled by concurrent action of the House of Representatives and the Senate within the 14-day period afforded the Governor for vetoing a bill under the last sentence of Const 1963, art 4, § 33. As

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<sup>7</sup> A copy of the December 6, 1977, Letter Opinion is attached as Appendix A.

<sup>8</sup> Copies of each of these letters are attached as Appendices B, C, and D, respectively.



explained by the Address to the People, the Governor "shall have 14 days in which to consider a bill . . . . If during that period he neither approves nor returns the bill with a veto message, the legislature continuing in session, it becomes a law as if he had signed it." The 14-day period is measured "in hours and minutes from the time of presentation" to the Governor. Const 1963, art 4, § 33 (first sentence).<sup>9</sup>

SB 393 was presented to the Governor on September 8, 2003, at 5:00 p.m. The 14-day period afforded for consideration, measured in hours and minutes, therefore expired on September 22, 2003 at 5:00 p.m. While the Senate had acted to recall the bill within that 14-day period (on September 18, 2003), the House did not. Its action concurring in the request to recall SB 393 was not taken until September 23, 2003. In the absence of concurrent action by both houses of the Legislature within the 14-day period, SB 393 was not effectively recalled and "further legislative action thereon" was not authorized. *Anderson*, 273 Mich at 320. As concluded in Letter Opinion to Senators Dillingham and Kelly, one house of the Legislature may not vacate the enrollment of a bill. In the absence of a return of the bill with objections, SB 393 therefore became law by operation of the last sentence of art 4, § 33.

It is my opinion, therefore, that Senate Bill 393, which provides for urban high school academies, has become law pursuant to Const 1963, art 4, § 33, and should be assigned a public act number by the Secretary of State.

MIKE COX  
Attorney General

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<sup>9</sup> The 14-day period afforded the Governor to consider a bill represents a change from the 1908 Constitution. For a discussion explaining this change and the reasons for the addition of the language requiring that the 14-day period be measured in "hours and minutes," see 1 Official Record, Constitutional Convention 1961, pp 1717-1721.

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



STANLEY D. STEINBORN  
*Chief Assistant Attorney General*

FRANK J. KELLEY  
ATTORNEY GENERAL

LANSING  
48913

DEC 06 1977

Honorable Patrick H. McCollough  
State Senate  
The Capitol  
Lansing, Michigan

Dear Senator McCollough:

House Bill No. 4368, which affects the single business tax, was enrolled on October 20, 1977 and presented to the Governor for signature on October 21, 1977. On November 3, 1977 the House requested that the bill be returned to it. This request was granted by the Governor, who returned the bill to the House (without a veto message), where the enrollment was vacated. The Senate did not participate in the request for the return of the bill.

You have therefore requested my opinion on the following questions:

- "1. Can one house of the Michigan Legislature request the return of an enrolled bill which has been presented to the Governor without the concurrence of the other house of the legislature?
- "2. Can the Governor return an enrolled bill to the house of origin without a veto message?
- "3. If the answer to question No. 1 is 'no' then what is the effect of the action in question No. 1 being taken on the status of the enrolled bill pursuant to Art. 4, § 33 of the Michigan Constitution?
- "4. Has House Bill 4368 become law without the Governor's signature by virtue of the fact that the Governor has not vetoed it and the statutory period for doing so has run,

notwithstanding the fact, and/or because of the fact, that the Governor returned the bill to the Legislature without authority under the rules?"

Your questions will be addressed seriatim; however, before addressing them, it will be helpful to discuss the general principles involved.

Const 1963, art 4, § 33 provides:

"Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law. If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves, and the legislature continues the session at which the bill was passed, he shall return it within such 14-day period with his objections, to the house in which it originated. That house shall enter such objections in full in its journal and reconsider the bill. If two-thirds of the members elected to and serving in that house passed the bill notwithstanding the objections of the governor, it shall be sent with the objections to the other house for reconsideration. The bill shall become law if passed by two-thirds of the members elected to and serving in that house. The vote of each house shall be entered in the journal with the votes and names of the members voting thereon. If any bill is not returned by the governor within such 14-day period, the legislature continuing in session, it shall become law as if he had signed it."

Prior to the adoption of the current Michigan constitution, the State Supreme Court considered a related question in Anderson v Atwood, 273 Mich 316; 262 NW 922 (1935). In Anderson, however, the court had under consideration the effectiveness of a bill which had been returned by the governor to the legislature upon a concurrent request of both houses for the return thereof.

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Sen. Patrick H. McCollough

Although the court did not deal with the problem of recall of a bill by only one of the legislative bodies which you have presented, its language is instructive. Furthermore, since this case involved an interpretation of a section in the 1908 constitution which contained a similar provision, the constitutional delegates may be presumed to have been aware of the holding of the court. The court in Anderson, supra, stated, inter alia:

"There is no finality in legislative enactments, enrolled and sent to the governor and, by courtesy, returned by him within ten days and before action thereon, at the request of the legislature by joint resolution of concurrent action. \* \* \*

"The enactment, as sent to the governor, lost its identity and force by the courtesy return thereof to the legislature and, without new legislation with reference thereto, did not become a valid enactment by operation of law.

"House Bill No. 145 is not an act by operation of Constitution 1908, art. 5, § 36."  
Anderson v Wood, supra, p 319, 323.

Several facts are apparent from the Supreme Court statements in Anderson. First, the Supreme Court recognized that it is a courtesy for the governor to return a bill to the legislature upon its request once that bill has been enrolled. Second, while the court was concerned with a factual situation in which a concurrent resolution seeking return of the bill had been passed, it nevertheless was explicit in its statements that the request from the legislature must be a joint or concurrent action of both houses. That joint action is necessary and is strongly re-enforced by other authorities on statutes and constitutional law such as 1 Sutherland Statutory Construction (4 ed) § 16.07, Recall of Bills from the Governor:

"A few cases have raised the questions as to the effect of the return of an act by the governor to the legislature at its request before the time has expired in which the governor may approve the bill. Where the request and return is made with the concurrence of the other house the return is valid and a new presentment to the executive is necessary before the bill may become law. One house alone, however, has no authority to act without the consent of the other and a return at the

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Sen. Patrick H. McCollough

Page 4

request of one house alone may cause a bill to become law because of the executive's failure either to approve or veto." (Footnotes omitted.)

Also, 82 CJS, Statutes, § 48b, Recall:

"In the absence of constitutional restriction the legislature may by concurrent resolution recall a bill after presentation to the governor; but a bill may not be recalled on request of one house acting alone so as to render it open to reconsideration by the legislature."

Based on the foregoing text authorities and the Michigan Supreme Court's decision in Anderson, it is my opinion that if this matter were presented to the court, it would answer your questions as follows:

"1. Can one house of the Michigan Legislature request the return of an enrolled bill which has been presented to the Governor without the concurrence of the other house of the legislature?"

The request by the legislature to return an enrolled bill once it has been presented to the Governor for signature must be a joint or concurrent action of both houses; a request for return of the bill by either house independently of the other is ineffective. Even if the governor returns a bill upon the request of a single house, that house is not able to vacate the action of enrollment.

"2. Can the Governor return an enrolled bill to the house of origin without a veto message?"

In my opinion, the governor may, upon receipt of a proper request by both houses, return an enrolled bill to the house of origin without a veto message. This action must occur prior to the expiration of the 14-day period prescribed by section 33 of Const 1963, art 4.

"3. If the answer to question No. 1 is 'no' then what is the effect of the action in question No. 1 being taken on the status of the enrolled bill pursuant to Art. 4, § 33 of the Michigan Constitution?"

The return of Enrolled House Bill No. 4368 by the Governor to the House of Representatives upon a unilateral request of that house without the concurrence of the Senate is of no effect and the bill becomes law without his signature.

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Sen. Patrick H. McCollough

Page 5

"4. Has House Bill 4368 become law without the Governor's signature by virtue of the fact that the Governor has not vetoed it and the statutory period for doing so has run, notwithstanding the fact, and/or because of the fact, that the Governor returned the bill to the Legislature without authority under the rules?"

As noted in my answer to your third question, it is my conclusion that the fact that the veto period of Const 1963, art 4, § 33 has expired and the session of the legislature at which the bill was passed continues, the bill has, by operation of law, become a law, irrespective of the actions of the Governor and the House of Representatives upon that bill.

Very truly yours,

FRANK J. KELLEY  
Attorney General

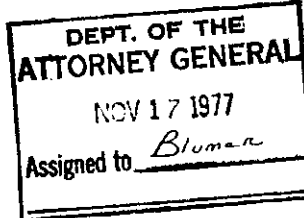
0016

THE SENATE  
LANSING, MICHIGAN

TENTH DISTRICT  
PATRICK H. MCCOLLOUGH  
BOX 30028  
LANSING, MICHIGAN 48909

November 17, 1977

COMMITTEES:  
CHAIRMAN:  
FINANCE  
VICE CHAIRMAN:  
COMMERCE  
JUDICIARY  
CHAIRMAN:  
SENATE COMMITTEE FOR SECURE  
MUNICIPAL BOND FINANCING  
CO-CHAIRMAN:  
BUDGET EFFICIENCY SAVINGS TO  
TAXPAYERS COMMITTEE (MICHIGAN  
EFFICIENCY TASK FORCE)



Attorney General Frank Kelley  
525 West Ottawa  
Law Building, 7th floor  
Lansing, Michigan 48913

Dear Mr. Kelley:

On March 17, 1977, House Bill 4368 which affects the single business tax, was introduced in the Michigan House of Representatives. This bill was ultimately passed by the House on September 27, 1977 and given immediate effect. After committee consideration and consideration by the entire body, the Senate passed the bill on October 19, 1977 with amendment and gave it immediate effect. The bill was then returned to the House and on October 20, 1977 the Senate amendment was concurred in and the bill was passed by the House, given immediate effect and ordered enrolled. On October 21, 1977 the bill was presented to the Governor.

On November 3, 1977 the House requested the bill be returned to it. The request was granted, (without a veto message) the enrollment was vacated, the vote on the Senate amendment was reconsidered and the Senate amendment was nonconcurrent in.

My questions to you with respect to this brief outline of the history of House and Senate action on this bill are as follows:

1. Can one house of the Michigan Legislature request the return of an enrolled bill which has been presented to the Governor without the concurrence of the other house of the legislature?
2. Can the Governor return an enrolled bill to the house of origin without a veto message?
3. If the answer to question No. 1 is "no" then what is the effect of the action in question No. 1 being taken on the status of the enrolled bill pursuant to Art. 4, § 33 of the Michigan Constitution?

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Page Two  
Attorney General Frank Kelley  
November 17, 1977

4. Has House Bill 4368 become law without the Governor's signature by virtue of the fact that the Governor has not vetoed it and the statutory period for doing so has run, notwithstanding the fact, and/or because of the fact, that the Governor returned the bill to the Legislature without authority under the rules?

Thank you for your attention to this matter.

Sincerely,



PATRICK H. MCCOOLLOUGH  
State Senator

PHMc:ncb

Enclosure: Senate Journal 119, pg. 2052 of 1977  
Parliamentary Inquiry



Parliamentary Inquiry

Senator McCollough inquired of the President pro tempore as to whether or not the Senate has requested the House of Representatives to return to the Senate House Bill No. 4368.

The President pro tempore stated that the Senate had not requested the return of said bill.

Senator McCollough inquired of the President pro tempore whether or not it is in order for either House of the Legislature to request the Governor to return a bill without the consent or concurrence of the other House of the Legislature.

In response to the question, the President pro tempore cited Mason's Manual of Legislative Procedure, "Section 740-5. When a bill has passed both branches of the legislature and has been signed by the appropriate officers and sent to the governor for his approval, it has passed beyond the control of either house and cannot be recalled except by the joint action of both houses."

Senator McCollough requested the President pro tempore to take under advisement what remedy would be available in the event of violation of the above cited Section 740-5 of Mason's Manual of Legislative Procedure.

General Orders

Senator Byker moved that the Senate resolve itself into Committee of the Whole for consideration of the general orders.

The motion prevailed, and the President pro tempore designated Senator Byker as Chairman.

After some time spent therein, the Committee rose; and, the President pro tempore having resumed the chair, the Committee reported back to the Senate that it had under consideration several bills and had reached no final resolution thereon.

By unanimous consent the Senate returned to the order of  
Reports of Select Committees

The Committee on Committees announces the appointments of the following:  
Senate Resolution No. 333.

A resolution creating a special committee to conduct a comprehensive examination of the policies and function of each office and division of the Insurance Bureau, Michigan Department of Commerce.

Senator Huffman, Chairman  
Senator Faxon  
Senator McCollough  
Senator Guastello  
Senator Miller  
Senator Welborn  
Senator Ziegler

Senate Resolution No. 239.

A resolution creating a special committee to study the problems of the school districts in Michigan which are experiencing difficulty in obtaining insurance for transportation, employees and students and for driver education courses.

Senator Scott, Chairman  
Senator Corbin  
Senator Kammer  
Senator Ziegler  
Senator Ceake

Senate Concurrent Resolution No. 246.

A concurrent resolution creating a special legislative committee on science, technology, and the legislative process.

Senator Faust  
Senator Hertel  
Senator VanderLaan

House Concurrent Resolution No. 23.

A concurrent resolution creating a special committee to study the effects of Equine Infectious Anemia and economically feasible testing and control procedures for Equine Infectious Anemia.

Senator Hertel  
Senator Plawewski  
Senator Allen

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



STANLEY D. STEINBORN  
Chief Assistant Attorney General

FRANK J. KELLEY  
ATTORNEY GENERAL  
P.O. Box 30212  
LANSING  
48209

May 20, 1993

Honorable Fred Dillingham  
State Senator  
The Capitol  
Lansing, Michigan

Honorable John Kelly  
State Senator  
The Capitol  
Lansing, Michigan

Dear Senators Dillingham and Kelly:

You have asked if the May 18, 1993, attempt by the Senate without the concurrence of the House of Representatives to recall Senate Bill No. 537 from the Governor to whom it was sent following its approval by both houses is valid.

As you know, in a December 6, 1977, Letter Opinion to Senator Patrick H. McCollough, copy attached, I concluded:

The request by the legislature to return an enrolled bill once it has been presented to the Governor for signature must be a joint or concurrent action of both houses; a request for return of the bill by either house independently of the other is ineffective. Even if the governor returns a bill upon the request of a single house, that house is not able to vacate the action of enrollment.

A similar conclusion was reached in a May 5, 1992, Letter Opinion to Senators Arthur Miller, Jr. and John D. Cherry (copy attached).

It should also be noted that the Delaware Supreme Court has held:

Any bill or joint resolution requires for passage the concurrence of a majority of all the members elected to each House. ... The delivery of the bill to the Governor is based upon the joint action of the two houses. If any subsequent legislative action can lawfully be taken to affect the status of the bill in the Governor's hands

cc

PAGE.002

MAY 20 1993 12:45 FROM ATT-GEN-EXECUTIVE

Honorable Fred Dillingham  
Honorable John Kelly  
Page 2

... it must likewise be joint action. In our opinion one house has no such power of recall, even with the Governor's consent.

Opinion of the Justices, 174 A2d 818, 819 (1961).

Based upon the foregoing, it is my opinion that one house of the Legislature may not vacate the enrollment of a bill. Thus, Senate Bill No. 537 will, by operation of law, become a law if it is not vetoed by the Governor within the fourteen day period prescribed in Const 1963, art 4, § 33.

Very truly yours,

FRANK J. KELLEY  
Attorney General

Att.

PRG5.003

MAY 20 '93 12:46 FROM ATT-GEN-EXECUTIVE

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



STANLEY D. STEINBORN  
Chief Assistant Attorney General

**FRANK J. KELLEY**

ATTORNEY GENERAL

P.O. Box 30212  
LANSING

48909

May 5, 1992

Honorable Arthur Miller, Jr.  
State Senator  
The Capitol  
Lansing, Michigan

Honorable John D. Cherry  
State Senator  
The Capitol  
Lansing, Michigan

Dear Senators Miller and Cherry:


You have asked whether one house of the Michigan Legislature may request the return of an enrolled bill which has been presented to the Governor without the concurrence of the other house of the Legislature.

The identical question was addressed by my office in Letter Opinion of the Attorney General to Senator Patrick H. McCollough, dated December 6, 1977, copy enclosed, which concluded, at p 4:

The request by the legislature to return an enrolled bill once it has been presented to the Governor for signature must be a joint or concurrent action of both houses; a request for return of the bill by either house independently of the other is ineffective. Even if the governor returns a bill upon the request of a single house, that house is not able to vacate the action of enrollment.

It remains my opinion that one house of the Michigan Legislature may not request the return of an enrolled bill which has been presented to the Governor without the concurrence of the other house of the Legislature.

Very truly yours,

  
FRANK J. KELLEY  
Attorney General

Enc.

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



STANLEY D. STEINBORN  
Chief Assistant Attorney General

FRANK J. KELLEY  
ATTORNEY GENERAL

P.O. Box 30212  
LANSING  
48909

June 9, 1993

Mr. Phillip T. Frangos  
Deputy Secretary of State  
Michigan Department of State  
Treasury Building  
Lansing, Michigan 48918

Dear Mr. Frangos:

You have asked if the Department of State may assign a public act number to Senate Bill No. 537. As you know, the Senate, on May 18, 1993, voted to recall from the Governor and then to vacate the enrollment of Senate Bill No. 537. The House did not join in either action.

The Michigan Supreme Court has considered whether and how bills passed by both houses of the Legislature and presented to the Governor for his consideration can be recalled from the Governor. In Anderson v Atwood, 273 Mich 316; 262 NW 922 (1935), the Supreme Court termed the following statement of law "a well settled rule":

"In the absence of a constitutional restriction the legislature may, by concurrent action of both houses, recall a bill which has been presented to the governor; but such recall will not have the effect of making the bill operative as a law, or affect the validity of the measure as finally passed and approved by the executive. The recall is effective if a bill is willingly returned upon request supported by the concurrent action of the two houses, although the request is not by means of a joint resolution; but after a bill has been passed in the legal and constitutional form by both houses of the legislature, and transmitted to the governor for his signature, neither branch of the legislature can, without the consent of the other, recall the bill for the purpose of further legislative action thereon." 59 C.J. p. 578. [Emphasis added.]

Mr. Phillip T. Frangos  
Page 2

273 Mich at 319-320.

A similar conclusion was reached by the Delaware Supreme Court in Opinion of the Justices, 174 A2d 818 (1961). That case in turn quoted with approval from a New York case, People v Devlin, 33 NY 269, as follows:

"This bill had passed both houses and been sent to the governor for his approval. The recall by the assembly was an infringement of parliamentary law. It was an attempt to do alone what if it could be done at all, required the joint action of both senate and assembly."

174 A2d at 819.

The Delaware Supreme Court held:

One house of the legislature may not lawfully recall from the Executive a bill duly enacted by both houses.

174 A2d at 820.

The Florida Supreme Court in a 1947 decision reached a similar conclusion:

The return of House Bill 122 by the Governor to the House of Representatives could not constitutionally confer on this Honorable Body the jurisdiction or power again to place the measure on its calendar and by a majority vote of the House reconsider the vote by which it was originally passed or to entertain a motion and by a majority vote to indefinitely postpone the bill.

State ex rel Schwartz v Bledsoe, 31 So2d 457, 460 (1947).

The Florida Supreme Court went on to hold, quoting from an earlier decision, State ex rel Florida Portland Cement Co v Hale 176 So 577, 581 (1937):

"We hold that neither the House of Representatives nor the Senate of the Legislature of Florida could by its independent resolution recall from the hands of the Governor a bill which had been duly passed by the Legislature, had been authenticated and transmitted to the Governor for his consideration, and that the action of the Governor in transmitting the bill to the House of Representatives in the instant case was a matter of

Mr. Phillip T. Frangos  
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courtesy and had no effect upon the validity of the act  
which had been duly and constitutionally passed and  
transmitted to him for his consideration."

31 So2d at 461.

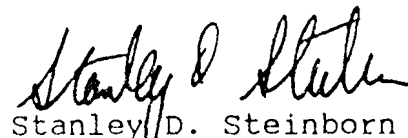
It should also be noted that while the May 18, 1993, Senate Journal shows that the motion "requesting the return of" Senate Bill No. 537 simply "prevailed", the motion "that the enrollment be vacated" was supported by nineteen Senators. 1993 Journal of the Senate, 1193, 1198 (No. 43, May 18, 1993). Nineteen Senators is, of course, one less than Const 1963, art 4, § 26, requires to pass a bill. That section provides, in pertinent part:

No bill shall become a law without the concurrence of a majority of the members elected to and serving in each house.

However, since the case law set forth above is clear, there is no need to resolve whether "a majority [vote] of the members elected to and serving" in the Senate was necessary.

Based on the foregoing, it is clear that Senate Bill No. 537 is now law and it should be assigned a public act number.

Very truly yours,



Stanley D. Steinborn  
Chief Assistant Attorney  
General

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2003 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*



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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2003 SESSION)**

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The Table of Enrolled Senate and House Bills Signed Into Law Or Vetoed (2003 Session) is unchanged from the table appearing in Michigan Register 2003, MR 17.

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2003 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(i) Other official information considered necessary or appropriate by the office of regulatory reform.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2003 RULE FILINGS)**

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R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
29.2801	*	1	29.4215	R	15	29.4312	R	15
29.2802	*	1	29.4216	R	15	29.4313	R	15
29.2802a	A	1	29.4217	R	15	29.4314	R	15
29.2803	*	1	29.4218	R	15	29.4315	R	15
29.2804	*	1	29.4219	R	15	29.4316	R	15
29.2805	*	1	29.4220	R	15	29.4317	R	15
29.2806	*	1	29.4221	R	15	29.4318	R	15
29.2807	*	1	29.4222	R	15	29.4319	R	15
29.2807a	A	1	29.4223	R	15	29.4401	R	15
29.2808	*	1	29.4224	R	15	29.4402	R	15
29.2809	*	1	29.4225	R	15	29.4403	R	15
29.2810	*	1	29.4226	R	15	29.4404	R	15
29.2811	*	1	29.4227	R	15	29.4405	R	15
29.2811a	A	1	29.4228	R	15	29.4406	R	15
29.2812	*	1	29.4229	R	15	29.4501	R	15
29.2813	*	1	29.4230	R	15	29.4502	R	15
29.2814	*	1	29.4231	R	15	29.4503	R	15
29.4101	R	15	29.4232	R	15	29.4504	R	15
29.4102	R	15	29.4233	R	15	29.5101	A	15
29.4103	R	15	29.4234	R	15	29.5102	A	15
29.4104	R	15	29.4235	R	15	29.5103	A	15
29.4105	R	15	29.4236	R	15	29.5104	A	15
29.4106	R	15	29.4237	R	15	29.5105	A	15
29.4201	R	15	29.4238	R	15	29.5201	A	15
29.4202	R	15	29.4239	R	15	29.5202	A	15
29.4203	R	15	29.4240	R	15	29.5203	A	15
29.4204	R	15	29.4301	R	15	29.5204	A	15
29.4205	R	15	29.4302	R	15	29.5205	A	15
29.4206	R	15	29.4303	R	15	29.5206	A	15
29.4207	R	15	29.4304	R	15	29.5207	A	15
29.4208	R	15	29.4305	R	15	29.5208	A	15
29.4209	R	15	29.4306	R	15	29.5209	A	15
29.4210	R	15	29.4307	R	15	29.5210	A	15
29.4211	R	15	29.4308	R	15	29.5211	A	15
29.4212	R	15	29.4309	R	15	29.5212	A	15
29.4213	R	15	29.4310	R	15	29.5213	A	15
29.4214	R	15	29.4311	R	15	29.5214	A	15

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
29.5215	A	15	29.5253	A	15	29.5336	A	15
29.5216	A	15	29.5254	A	15	29.5337	A	15
29.5217	A	15	29.5255	A	15	29.5338	A	15
29.5218	A	15	29.5301	A	15	29.5339	A	15
29.5219	A	15	29.5302	A	15	29.5340	A	15
29.5220	A	15	29.5303	A	15	29.5401	A	15
29.5221	A	15	29.5304	A	15	29.5402	A	15
29.5222	A	15	29.5305	A	15	29.5403	A	15
29.5223	A	15	29.5306	A	15	29.5404	A	15
29.5224	A	15	29.5307	A	15	29.5405	A	15
29.5225	A	15	29.5308	A	15	29.5406	A	15
29.5226	A	15	29.5309	A	15	29.5407	A	15
29.5227	A	15	29.5310	A	15	29.5408	A	15
29.5228	A	15	29.5311	A	15	29.5409	A	15
29.5229	A	15	29.5312	A	15	29.5410	A	15
29.5230	A	15	29.5313	A	15	29.5411	A	15
29.5231	A	15	29.5314	A	15	29.5412	A	15
29.5232	A	15	29.5315	A	15	29.5413	A	15
29.5233	A	15	29.5316	A	15	29.5414	A	15
29.5234	A	15	29.5317	A	15	29.5415	A	15
29.5235	A	15	29.5318	A	15	29.5416	A	15
29.5236	A	15	29.5319	A	15	29.5417	A	15
29.5237	A	15	29.5320	A	15	29.5418	A	15
29.5238	A	15	29.5321	A	15	29.5419	A	15
29.5239	A	15	29.5322	A	15	29.5501	A	15
29.5240	A	15	29.5323	A	15	29.5502	A	15
29.5241	A	15	29.5324	A	15	29.5503	A	15
29.5242	A	15	29.5325	A	15	29.5504	A	15
29.5243	A	15	29.5326	A	15	29.5505	A	15
29.5244	A	15	29.5327	A	15	29.5506	A	15
29.5245	A	15	29.5328	A	15	29.5507	A	15
29.5246	A	15	29.5329	A	15	29.5508	A	15
29.5247	A	15	29.5330	A	15	29.5509	A	15
29.5248	A	15	29.5331	A	15	29.5510	A	15
29.5249	A	15	29.5332	A	15	29.5511	A	15
29.5250	A	15	29.5333	A	15	29.5512	A	15
29.5251	A	15	29.5334	A	15	29.5513	A	15
29.5252	A	15	29.5335	A	15	29.5514	A	15

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
29.5515	A	15	125.1402	*	14	125.1902a	*	14
29.5516	A	15	125.1403	*	14	125.1904a	*	14
125.1101	*	14	125.1404	*	14	125.1905	*	14
125.1106	A	14	125.1405	*	14	125.1908	*	14
125.1120	*	14	125.1407	*	14	125.1912	*	14
125.1125	*	14	125.1408	*	14	125.1913	R	14
125.1130	*	14	125.1409	*	14	125.1918	*	14
125.1185	*	14	125.1410	*	14	125.1920	*	14
125.1192	*	14	125.1411	*	14	125.1922	*	14
125.1192a	A	14	125.1413	*	14	125.1925	*	14
125.1201	R	14	125.1415	*	14	125.1926	*	14
125.1202a	R	14	125.1416	R	14	125.1928	*	14
125.1202b	*	14	125.1417	*	14	125.1929	*	14
125.1202c	A	14	125.1419	*	14	125.1934	*	14
125.1203	R	14	125.1501a	A	14	125.1935	*	14
125.1204	*	14	125.1503	*	14	125.1936	*	14
125.1209	*	14	125.1503a	A	14	125.1937	*	14
125.1210	R	14	125.1504	*	14	125.1940	*	14
125.1211	R	14	125.1505	*	14	125.1940a	*	14
125.1211a	*	14	125.1507	*	14	125.1941	*	14
125.1212	*	14	125.1508	*	14	125.1944	*	14
125.1213a	*	14	125.1601	*	14	125.1947	*	14
125.1214c	*	14	125.1602	*	14	125.1947a	*	14
125.1214d	*	14	125.1602a	*	14	125.1948	*	14
125.1214e	*	14	125.1603	*	14	125.1950	*	14
125.1214f	*	14	125.1604a	*	14	125.2001	*	14
125.1214g	*	14	125.1604b	R	14	125.2001a	A	14
125.1214h	*	14	125.1605	*	14	125.2003	*	14
125.1214i	*	14	125.1606	R	14	125.2005	*	14
125.1214j	R	14	125.1607	*	14	125.2005a	*	14
125.1214k	*	14	125.1608	R	14	125.2006	*	14
125.1214l	*	14	125.1701	*	14	125.2006a	*	14
125.1214m	R	14	125.1702	*	14	125.2006b	*	14
125.1214n	*	14	125.1702a	*	14	125.2007	*	14
125.1302	*	14	125.1704	*	14	125.2009	*	14
125.1310	R	14	125.1705	*	14	259.241	*	4
125.1320	R	14	125.1708	*	14	259.243	*	4
125.1401	*	14	125.1901	*	14	259.244	*	4

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
285.551.1	R	5	285.551.67	R	5	285.642.12	A	15
285.551.4	R	5	285.551.68	R	5	285.642.13	A	15
285.551.6	R	5	285.551.69	R	5	285.818.1	R	15
285.551.9	R	5	285.551.70	R	5	285.818.2	R	15
285.551.11	R	5	285.551.71	R	5	285.818.3	R	15
285.551.13	R	5	285.551.72	R	5	285.818.4	R	15
285.551.15	R	5	285.551.73	R	5	285.818.5	R	15
285.551.16	R	5	285.551.74	R	5	285.818.6	R	15
285.551.17	R	5	285.551.75	R	5	285.818.7	R	15
285.551.18	R	5	285.551.76	R	5	299.2903	*	5
285.551.19	R	5	285.551.77	R	5	299.2905	*	5
285.551.20	R	5	285.551.78	R	5	299.2911	*	5
285.551.21	R	5	285.551.79	R	5	299.2912	*	5
285.551.22	R	5	285.551.81	R	5	299.2916	*	5
285.551.23	R	5	285.551.83	R	5	299.2917	*	5
285.551.24	R	5	285.564.1	*	9	299.2918	*	5
285.551.25	R	5	285.564.2	*	9	299.2920	*	5
285.551.26	R	5	285.564.3	*	9	299.2922	*	5
285.551.27	R	5	285.564.4	*	9	299.2923	*	5
285.551.28	R	5	285.564.5	*	9	299.2924	*	5
285.551.29	R	5	285.564.6	*	9	299.2925	A	5
285.551.30	R	5	285.564.7	*	9	299.2925a	*	5
285.551.41	R	5	285.564.8	*	9	299.2926	*	5
285.551.42	R	5	285.564.9	R	9	299.2927	*	5
285.551.43	R	5	285.564.10	*	9	323.1171	*	1
285.551.44	R	5	285.564.11	*	9	323.1172	*	1
285.551.51	R	5	285.564.13	*	9	323.1173	*	1
285.551.52	R	5	285.642.1	A	15	323.1175	*	1
285.551.53	R	5	285.642.2	A	15	323.1180	*	1
285.551.54	R	5	285.642.3	A	15	323.1181	*	1
285.551.56	R	5	285.642.4	A	15	323.1174	R	1
285.551.58	R	5	285.642.5	A	15	323.2101	*	10
285.551.61	R	5	285.642.6	A	15	323.2102	*	10
285.551.62	R	5	285.642.7	A	15	323.2103	*	10
285.551.63	R	5	285.642.8	A	15	323.2104	*	10
285.551.64	R	5	285.642.9	A	15	323.2106	*	10
285.551.65	R	5	285.642.10	A	15	323.2108	*	10
285.551.66	R	5	285.642.11	A	15	323.2109	*	10

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
323.2111	R	10	323.2189	*	10	324.59a	N	2
323.2112	*	10	323.2190	*	10	324.59b	N	2
323.2114	*	10	323.2191	*	10	324.59c	N	2
323.2115	*	10	323.2192	*	10	324.59d	N	2
323.2117	*	10	323.2193	*	10	324.59e	N	2
323.2118	*	10	323.2195	*	10	324.61	N	2
323.2119	*	10	323.3101	*	5	324.62	N	2
323.2121	*	10	323.3102	*	5	324.63	N	2
323.2122	*	10	323.3103	*	5	324.64	N	2
323.2124	*	10	323.3104	*	5	324.65	N	2
323.2125	*	10	323.3105	*	5	324.71	N	2
323.2126	R	10	323.3106	*	5	324.72	N	2
323.2127	*	10	323.3107	*	5	324.73	N	2
323.2128	*	10	323.3108	*	5	324.74	N	2
323.2130	*	10	323.3109	*	5	324.75	N	2
323.2131	*	10	323.3110	*	5	324.81	N	2
323.2133	*	10	324.1	N	2	325.2401	A	15
323.2134	*	10	324.2	N	2	325.2402	A	15
323.2136	*	10	324.3	N	2	325.2403	A	15
323.2137	*	10	324.21	N	2	325.2404	A	15
323.2138	*	10	324.22	N	2	325.2405	A	15
323.2139	*	10	324.23	N	2	325.2410	A	15
323.2140	*	10	324.24	N	2	325.2411	A	15
323.2141	*	10	324.31	N	2	325.2412	A	15
323.2142	*	10	324.32	N	2	325.2413	A	15
323.2145	*	10	324.33	N	2	325.2414	A	15
323.2146	*	10	324.41	N	2	325.2415	A	15
323.2147	*	10	324.42	N	2	325.2416	A	15
323.2149	*	10	324.43	N	2	325.2417	A	15
323.2150	*	10	324.51	N	2	325.2418	A	15
323.2151	*	10	324.52	N	2	325.2419	A	15
323.2153	*	10	324.53	N	2	325.2421	A	15
323.2154	*	10	324.54	N	2	325.2422	A	15
323.2155	*	10	324.55	N	2	325.2424	A	15
323.2159	*	10	324.56	N	2	325.2429	A	15
323.2160	*	10	324.57	N	2	325.2430	A	15
323.2161	*	10	324.58	N	2	325.2431	A	15
323.2161a	A	10	324.59	N	2	325.2434	A	15

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
325.2435	A	15	325.10412	*	2	325.13106	*	7
325.2436	A	15	325.10413	*	2	325.13107	*	7
325.2437	A	15	325.10414	*	2	325.13108	*	7
325.2438	A	15	325.10415	*	2	325.13109	*	7
325.2439	A	15	325.10416	*	2	325.13110	*	7
325.2440	A	15	325.10417	*	2	325.13111	*	7
325.2441	A	15	325.10418	*	2	325.13201	*	7
325.2442	A	15	325.10419	*	2	325.13202	*	7
325.2442a	A	15	325.10420	*	2	325.13205	*	7
325.2442b	A	15	325.10604a	*	2	325.13206	*	7
325.2442c	A	15	325.10605	*	2	325.13207	*	7
325.2443	A	15	325.10610	A	2	325.13208	*	7
325.2444	A	15	325.10610a	A	2	325.13209	R	7
325.2445	A	15	325.10610b	A	2	325.13211	*	7
325.2446	A	15	325.10610c	A	2	325.13212	*	7
325.2447	A	15	325.10611	A	2	325.13213	*	7
325.2448	A	15	325.10611a	A	2	325.13301	*	7
325.2651	*	18	325.10611b	A	2	325.13302	*	7
325.2653	*	18	325.10702	*	2	325.13303	*	7
325.2655	*	18	325.10704	*	2	325.13304	*	7
325.2659	*	18	325.10706	*	2	325.13305	*	7
325.10102	*	2	325.10707b	*	2	325.13306	*	7
325.10103	*	2	325.10719	R	2	325.13307	*	7
325.10104	*	2	325.10719a	*	2	325.13401	R	7
325.10105	*	2	325.10719d	*	2	325.13402	R	7
325.10106	*	2	325.10719e	A	2	325.13403	R	7
325.10108	*	2	325.10719f	A	2	325.13404	R	7
325.10109	*	2	325.10720	*	2	325.13405	R	7
325.10308b	*	2	325.10720a	A	2	325.13406	R	7
325.10401	*	2	325.10721	R	2	325.13407	R	7
325.10401a	A	2	325.11002d	*	2	325.13408	R	7
325.10402	*	2	325.11004	R	2	325.13409	R	7
325.10403	*	2	325.11008	*	2	325.13410	R	7
325.10404	*	2	325.11009	R	2	325.13411	R	7
325.10405	*	2	325.11502	*	2	325.13412	R	7
325.10406	*	2	325.11503	R	2	325.13413	R	7
325.10407	*	2	325.11505a	*	2	325.13414	R	7
325.10408	*	2	325.11506	*	2	325.13415	R	7
325.10408a	A	2	325.13101	*	7	325.13416	R	7
325.10408b	A	2	325.13102	*	7	325.13417	R	7
325.10409	*	2	325.13104	*	7	325.13418	R	7
325.10411	*	2	325.13105	*	7	325.13501	A	7

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
325.13503	A	7	336.1103	*	12	338.2507a	*	18
325.13505	A	7	336.1106	*	12	338.2508	R	18
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325.70107	A	15	338.252	*	1	408.834	*	1
325.70108	A	15	338.253	*	1	408.837	*	1
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325.70110	A	15	338.255	*	1	408.839a	*	1
325.70111	A	15	338.2503	*	18	408.841	*	1
325.70112	R	15	338.2504	*	18	408.843	*	1
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(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

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408.882	*	1	408.41483	*	4	432.21324	*	6
408.885	*	1	418.10104	*	4	432.21326	*	6
408.886	*	1	418.10105	*	4	432.21327	*	6
408.887	*	1	418.10106	*	4	432.21328	*	6
408.891	*	1	418.10107	*	4	432.21329	*	6
408.898	A	1	418.10108	*	4	432.21330	*	6
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408.6203	*	14	418.10117	*	4	432.21333	*	6
408.6208	*	14	418.10121	*	4	432.21334	*	6
408.6302	*	14	418.10202	*	4	432.21335	*	6
408.6303	*	14	418.10902	A	4	432.21336	*	6
408.6304	*	14	418.10904	*	4	432.21406	*	6
408.9002	*	14	418.10915	*	4	432.21407	*	6
408.9012	*	14	418.10916	*	4	432.21411	*	6
408.9019	*	14	418.10922	*	4	432.21413	*	6
408.31070	*	5	418.10923	*	4	432.21414	*	6
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408.41475	*	4	432.21314	*	6	432.21610	*	6
408.41476	*	4	432.21317	*	6	432.21611	*	6
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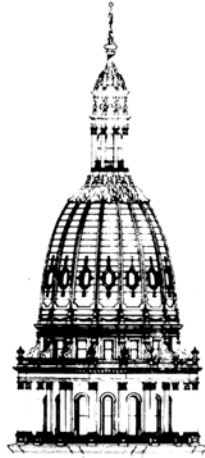
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